

LegCo Panel on Transport

Use of Mobile Phones While Driving

PURPOSE

This paper presents the results of consultation with the relevant trades on the proposed prohibition on the use of hand-held mobile phones, including radio phones, while driving, and seeks Members' advice on the proposal.

BACKGROUND

2. The proposal of controlling the use of mobile phones while driving was discussed by the LegCo Panel on Transport on 28 November 1998. Members supported the legislative approach to control the use of hand-held mobile phones while driving but suggested that views of the relevant trades should be sought if the control of hand-held radio phones was also to be included in the legislation. The Transport Department consulted the relevant trades on the proposed prohibition between October 1998 and August 1999.

TRADES' VIEWS

3. Eleven trades comprising 17 organisations were consulted on the proposed prohibition on the use of hand-held mobile phones and radio phones while driving. Results of the consultation are summarized at **Annex A**. In short, all but one trade association either supported or had no objection to the proposed ban on the use of hand-held mobile phones when driving. The views on the proposed ban on the use of hand-held radio phones were less unanimous. A number of the organisations which had reservations or objected to the proposed measure expressed willingness to reconsider the proposal if the cost for conversion to the hands-free mode was reasonable. The reasons cited by those not in support of the proposal are -

- (a) the conversations through radio phones are usually very brief;
- (b) the use of radio phones is necessary for their business; and

- (c) the installation of hands-free kits would impose a financial burden on them.

4. Having taken into account the concerns of the trades, the Administration, on balance, considers that the use of hand-held radio phones should also be controlled because -

- (a) the degree of distraction to the driver and the accident risk associated with the use of hand-held radio phones while driving is no different from that associated with mobile phones. Exclusion of the former from the ban will undermine the proposal's objective to increase road safety overall; and may also invite criticism of inconsistent treatment;
- (b) the trades would still be allowed to use radio phones with hands-free accessories under the proposal. Hence, their business would not be affected; and
- (c) the cost for converting radio phones to hands-free type ranges from \$150 to \$300 per motor vehicle. Hands-free kits for mobile phones and radio phones are readily available in the market and the installation works are simple and would only take about half an hour to two hours. As the one-off cost is limited, it would unlikely impose any harsh financial burden on the trades. The majority of the New Territories taxis, for instance, have already installed the hands-free facility for their radio phones.

PROPOSAL

5. It is proposed to ban the use of hand-held mobile phones **including** radio phones and other similar telecommunication services while driving. To address the trades' concerns about the control of hand-held radio phones, it is further proposed that the ban on using hand-held radio phones while driving should be granted a grace period of one year after the implementation of the ban on hand-held mobile phones in early 2000. This will allow owners of commercial vehicles adequate time to install the necessary hands-free devices.

6. Under the proposal, Regulation 42 of the Road Traffic (Traffic Control) Regulations would be amended to make it an offence for a driver to use a hand-held mobile phone, radio phone or any other similar types of telecommunication devices while driving a motor vehicle. The penalty would be a fine of \$2,000, which is at the same level as other offences committed under that Regulation, e.g. permitting a passenger to interfere with steering of the vehicle, driving through an emergency crossing. The Administration would review whether the proposed level of fine would provide an adequate deterrent after the new legislation has become effective.

7. On publicity, the Administration would shortly issue pamphlets and press releases to encourage drivers to switch off their hand-held mobile phones while driving. In addition, a TV API would be produced before the implementation of the ban on hand-held mobile phones.

8. The Administration aims to submit the legislative amendments to the Legislative Council before the end of 1999 for implementation in early 2000.

ADVICE SOUGHT

9. Members are invited to advise whether the legislative proposals of controlling the use of hand-held mobile phones while driving as described in paragraphs 5 and 6 above should be adopted.

Transport Bureau
Government Secretariat
21 October 1999

Summary of Views from Individual Trades

| Trade | Consultation Channel | Views | |
|------------------|--------------------------------------|--|---|
| | | Prohibiting the use of hand-held mobile phones | Prohibiting the use of hand-held radio phones |
| Public Light Bus | Public Light Bus Conference | No objection | No objection |
| Green Minibus | Green Minibus Operators Conference | Supported | No objection |
| Urban Taxi | Conference on Urban Taxi Operations | No objection | Objected as they considered that conversations through radios were usually very brief and on business matters and their use seldom caused accidents. |
| NT Taxi | Conference on NT Taxi Operations | Supported | Supported subject to clear indication that hands-free types would be allowed and would not infringe the regulations on telecommunication and construction of vehicles. Some of their drivers have installed hands-free kits with on/off button on the gear, indicator or wiper lever. |
| Lantau Taxi | Conference on Lantau Taxi Operations | No objection | Objected as they considered that the conversations through radios were usually very brief and their use seldom affected the drivers. |

| Trade | Consultation Channel | Views | |
|------------------------------------|---|--|--|
| | | Prohibiting the use of hand-held mobile phones | Prohibiting the use of hand-held radio phones |
| Public Bus (Non-franchised buses) | Public Bus Operators Conference | Supported | Had reservations as they considered that the conversations through radios were usually very brief and conducted while the vehicles had stopped or were parked. However, they would reconsider if further information on the hands-free devices was available. (*The proposed control does not apply in situations where the driver uses a mobile phone when he is not driving.) |
| Trucking Industry | Hong Kong Guangdong Transportation Association | No objection | Objected as all the cross border truckers had installed radio phones and the usage of such phones did not cause that much distraction to the drivers. |
| | Lok Ma Chau China-Hong Kong Freight Association | Supported but adequate time should be given for the conversion. | Agreed but adequate time should be given for the conversion. |
| | Goods Vehicle Fleet Owners' Association | Objected as the use of communication devices was necessary for their members but would consider adoption of hands-free kits depending on the amount of additional cost to be incurred. | Objected as the use of communication devices was necessary for their members but would consider adoption of hands-free kits depending on the amount of additional cost to be incurred. |

| Trade | Consultation Channel | Views | |
|-------------------------|--|---|---|
| | | Prohibiting the use of hand-held mobile phones | Prohibiting the use of hand-held radio phones |
| | Hong Kong Container Tractor Owner Association Limited | Supported | Agreed but suggested that a transitional/grace period be given to their drivers to convert the existing hand-held installation to hands-free uses. |
| Hire Car Service | Private Hire Car for Young Children Association | Supported and suggested that guidelines on the appropriate types of hands-free kits be available. | Agreed in principal and suggested that guidelines on the appropriate types of hands-free kits be available. |
| Nanny Vans | Young Children School Mini-buses Operators Association | No objection | Had reservation as the additional cost to be incurred for installing hands-free kits would impose financial burden on them under the current economic downturn. |
| Motor Transport Workers | Motor Transport Workers General Union | Supported | Agreed |

| Trade | Consultation Channel | Views | |
|---------------|---|---|--|
| | | Prohibiting the use of hand-held mobile phones | Prohibiting the use of hand-held radio phones |
| Goods Vehicle | The Hong Kong Union of Light Van Employees | Supported and suggested Government to consider excluding the use of mobile phones during emergency or some special situations from the prohibition. | Objected as most of their drivers would exercise due care when using used radio phones. |
| | Pioneer Concrete Owners Drivers Association | Supported | Expressed that Government should take the relevant cost of hands-free kits into consideration when finalizing the proposal. |
| | Mixer Truck Drivers' Association | No objection | Objected as the distraction caused by the use of radio phones was much less than that of mobile phones and installation of hands-free kits might impose financial burden on their drivers. |
| | Hong Kong Dumper Truck Drivers Association | No objection | Objected as the use of radio phones was necessary for their drivers and installation of hands-free kits might impose financial burden on them. |