

LEGISLATIVE COUNCIL BRIEF

Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2000

INTRODUCTION

By virtue of section 9 of the Road Traffic Ordinance (Cap.374) and section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap.1), the Secretary for Transport is empowered to make and amend the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap.374 sub. leg.) (“the principal Regulations”).

2. In exercise of this power, the Secretary for Transport has made the Road Traffic (Construction and Maintenance of Vehicles)(Amendment) Regulation 2000 at **Annex A**.

BACKGROUND AND ARGUMENT

(A) TV Monitors

3. Regulation 37 of the principal Regulations stipulates the general installation requirements for a television receiving apparatus on a motor vehicle. It specifically prohibits the installation of television receiving apparatus in certain areas of a motor vehicle or in certain manners on a motor vehicle by which they would be within the view of the driver. These requirements are to ensure that drivers will not be distracted by television programmes when they are driving.

4. Recent technological developments result in a growing trend for vehicle manufacturers to install visual display units (usually liquid crystal display) in vehicles within the view of the driver to display information pertaining to the functions of the vehicle. Furthermore, route navigation systems, which can display road maps and indicate the vehicle’s location by means of signals from a satellite Global Positioning System, are now being developed and could be incorporated into the visual display system on vehicles. However, many of the visual display units are also able to receive television broadcasts and view cinematographic products. These functions are, however, considered undesirable from the road safety point of view and should continue to be prohibited under all circumstances to avoid any possible distraction to drivers. Regulation 37 is therefore required to be amended to accommodate those functions which provide useful information to motorists.

(B) Reversing Horns

5. Regulation 38 stipulates the warning instruments installed on motor vehicles. Under the Regulation, there is no statutory requirement for installing reversing alarms by all goods vehicles. At present, reversing horns are fitted by some goods vehicles on a voluntary basis.

6. Given the size and the loads of goods vehicles, the rear vision of goods vehicles drivers is often blocked. The chance of accidents caused by reversing manoeuvres of goods vehicles is therefore higher than other vehicles. In the past three years, there were 513 traffic accidents caused by the reversing manoeuvres of goods vehicles, resulting in 100 cases of serious injuries and 16 fatalities -

Accidents caused by reversing manoeuvres involving goods vehicles

Severity of Accident	1997	1998	1999	Total
Fatal	6	3	7	16
Serious	39	35	26	100
Slight	147	115	135	397
Total	192	153	168	513

7. In view of the significant number of accidents involving reversing movement of goods vehicles, it is considered necessary to make the installation of reversing horns by goods vehicles mandatory as a measure to alert pedestrians.

8. Environmental Protection Department has been consulted on the environmental implications of the requirement. As there is at present no control on other audible warning instrument, they recommend that there is no need to prescribe any noise level standard unless future experience shows that such control is warranted. As reversing horns would only be operative for less than 10 seconds in a reversing movement, noise created by reversing horns should not be unacceptable.

(C) Nature of Lamps carried on vehicles

9. Regulation 92 stipulates the restrictions on the nature of lamps to be carried on motor vehicles.

10. By virtue of Regulation 92(1)(b), a vehicle can carry a lamp capable of showing a red light at the rear or a white light at the rear for the purpose of reversing. However, the Chinese text implies that for the purpose of reversing, the light at the rear could be either a red light or a white light. In order to achieve consistency and to reflect clearly the legislative intent, some textual amendments have been made to both the English and Chinese texts.

AMENDMENT REGULATION

11. The Amendment Regulation is to -
- (a) regulate the installation and use of visual display units in motor vehicles in the light of the latest technological advancement;
 - (b) require the installation of reversing horns by all goods vehicles; and
 - (c) improve upon the wordings in Regulation 92(1)(b) of the principal Regulations so as to convey the legislative intent more clearly.

PUBLIC CONSULTATION

12. The Legislative Council Panel on Transport and the Transport Advisory Committee were consulted in December 1998 and January 1999 respectively and supported the proposed amendments.

FINANCIAL AND STAFFING IMPLICATIONS

13. There are no financial and staffing implications.

ECONOMIC IMPLICATIONS

14. There are no economic implications.

LEGISLATIVE TIME TABLE

15. Sections 2 and 3 of the Amendment Regulation will come into effect on 1 April 2000.

16. The remaining provisions will come into effect upon gazettal.

PUBLICITY

17. The Amendment Regulation will be gazetted on 7 January 2000.

Government Secretariat
Transport Bureau
5 January 2000

**ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF VEHICLES)
(AMENDMENT) REGULATION 2000**

(Made under section 9 of the Road Traffic Ordinance (Cap. 374))

1. Commencement

Sections 2 and 3 shall come into operation on 1 April 2000.

2. Visual display units

Regulation 37 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.) is amended -

- (a) by renumbering it as regulation 37(1);
- (b) in paragraph (1), by repealing “television receiving apparatus other than an apparatus designed to give the driver a closed circuit view of any part of the vehicle or the surrounding area” and substituting “visual display unit other than a visual display unit that may be installed under paragraph (2)”;
- (c) by adding -

“(2) Subject to paragraph (3), a visual display unit that is designed to give the driver -

- (a) information about the current state of the vehicle or its equipment;
- (b) the current closed-circuit view of any part of the vehicle or the area surrounding the vehicle;

(c) information about the current location of the vehicle;
or

(d) any other information which is only for the purpose
of navigating the vehicle,

may be installed in or on a motor vehicle.

(3) A visual display unit which enables the display of -

(a) any broadcast within the meaning of section 2 of the
Television Ordinance (Cap. 52); or

(b) any stored visual images except for the purposes of
paragraph (2) (d),

may not be installed under paragraph (2) at a point forward of the
driver's seat as referred to in paragraph (1) (a) or in the manner
referred to in paragraph (1) (b) or (c).”.

3. Warning instruments

Regulation 38 is amended –

(a) by adding -

“(1A) Every goods vehicle shall also be fitted with an automatic
device capable of giving audible and sufficient warning when it is
reversing and is about to reverse.

(1B) An instrument fitted for the purposes of paragraph (1) must be capable of emitting a continuous and uniform sound and must not emit any other sound.

(1C) An automatic device described in paragraph (1A) -

(a) which is fitted in a goods vehicle for the purposes of that paragraph; or

(b) if fitted in any other motor vehicle,

must be capable of emitting an intermittent and uniform sound and must not emit any other sound.”;

(b) in paragraph (2) -

(i) by repealing “paragraph (1)” and substituting “paragraphs (1), (1A), (1B) and (1C)”;

(ii) in subparagraph (d), by repealing “or”;

(iii) in subparagraph (e), by repealing the comma at the end and substituting”; or”;

(iv) by adding -

“(f) a sound producing device giving a sound which is likely to be confused with a sound emitted from a light signal prescribed by regulation 33 of the Road Traffic (Traffic Control) Regulations

(Cap. 374 sub. leg.) at a light signal crossing within the meaning of those Regulations in the operation of that light signal, [*cf. S.I. 1986/1078 r. 99(3) (b) U.K.*].

4. Restriction on the nature of lamps to be carried

Regulation 92(1) (b) is amended by repealing everything after “other than a” and substituting “white light for the purpose of reversing or a red light.”.

Secretary for Transport

3 January 2000

Explanatory Note

This Regulation amends the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.) (“the principal Regulations”) -

- (a) to relax the law to accommodate the use of advanced technology in providing traffic information in or on a motor vehicle (section 2);

- (b) to require the installation of an automatic sound producing device by all goods vehicles so as to reduce traffic accidents caused by the reversing movements of goods vehicles (section 3);
- (c) to specify the kinds of sounds emitted by the warning instruments (section 3);
- (d) to improve upon the wordings in regulation 92(1) (b) of the principal Regulations so as to convey the legislative intent more clearly (section 4).