

LN162-E

L. N. 162 of 2000

Road Traffic (Safety Equipment)

(Amendment) Regulation 2000

(Made under sections 7(1) and 10(1) of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 1 January 2001.

2. Interpretation

Regulation 2 of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) is amended---

(a) by renumbering it as regulation 2(1);

(b) by adding---

"(2) For the purposes of these regulations, each seat belt in a vehicle may be used by only one person at a time and where more than one person is using the same seat belt at the same time each such person shall be deemed to be not securely fastened to his seat by means of that seat belt."

3. Rear seat belts and anchorage points

Regulation 6B(4) is amended by adding "and every taxi registered on or after 1 January 2001" after "1996".

4. Regulations substituted

Regulations 7, 7A, 7B and 7C are repealed and the following substituted---

"7. Drivers and passengers of private cars required to wear seat belts

(1) Subject to regulations 8 and 10, no person shall---

(a) drive; or

(b) ride as a passenger in the specified passenger's seat of, a private car on any road unless he is securely fastened to his seat by means of a seat belt, if any, provided for his seat.

(2) Subject to regulation 10, no person shall ride as a passenger in a private car on any road in a middle front seat---

(a) subject to paragraph (b), unless he is securely fastened to his seat by means of a seat belt, if any, provided for his seat;

(b) when the specified passenger's seat is provided with a seat belt and is not occupied by another person, unless he is securely fastened to his seat by means of a seat belt provided for his seat.

(3) Subject to regulation 8, no person shall drive a private car on any road---

(a) when there is in the specified passenger's seat or a middle front seat of the car---

(i) a passenger of 2 years of age or less who is not securely fastened to his seat by means of---

(A) if regulation 6 or 6A, as the case requires, applies to the car, an approved restraining device for a young person;

(B) if regulation 6 or 6A, as the case requires, does not apply to the car but a seat belt is provided for his seat, an approved restraining device for a young person;

(ii) a passenger over 2 years of age who is not securely fastened to his seat by means of a seat belt, if any, provided for his seat; or

(b) when there is a passenger in a middle front seat and the specified passenger's seat is provided with a seat belt and is not occupied by another person, unless he is securely fastened to his seat by means of a seat belt provided for his seat, unless the passenger has been exempted under regulation 10 from compliance with subregulation (1) or (2).

7A. Drivers and passengers of taxis, light buses and goods vehicles required to wear seat belts

(1) Subject to regulations 8 and 10, no person shall---

(a) drive; or

(b) ride as a passenger in the specified passenger's seat of, a taxi, light bus or goods vehicle on any road unless he is securely fastened to his seat by means of a seat belt, if any, provided for his seat.

(2) Subject to regulation 10, no person shall ride as a passenger in a taxi, light bus or goods vehicle on any road in a middle front seat---

(a) subject to paragraph (b), unless he is securely fastened to his seat by means of a seat belt, if any, provided for his seat;

(b) when the specified passenger's seat is provided with a seat belt and is not occupied by another person, unless he is securely fastened to his seat by means of a seat belt provided for his seat.

(3) Subject to regulation 8, no person shall drive a light bus or goods vehicle on any road when there is in the specified passenger's seat or a middle front seat of the light bus or goods vehicle---

(a) a passenger of 2 years of age or less who is not securely fastened to his seat by means of---

(i) if regulation 6 or 6A, as the case requires, applies to the light bus or goods vehicle, an approved restraining device for a young person;

(ii) if regulation 6 or 6A, as the case requires, does not apply to the light bus or goods vehicle but a seat belt is provided for his seat, an approved restraining

device for a young person;

(b) a passenger over 2 years of age but under the age of 15 years who is not securely fastened to his seat by means of a seat belt, if any, provided for his seat, unless the passenger has been exempted under regulation 10 from compliance with subregulation (1) or (2).

7B. Passengers in rear seats of private cars and taxis required to wear seat belts, etc.

(1) Subject to regulation 10, no person shall ride as a passenger in a rear seat of a private car or taxi on any road unless he is securely fastened to his seat by means of a seat belt, if any, provided for his seat.

(2) Subject to subregulation (3) and to regulation 8, no person shall drive a private car on any road when there is a passenger in a rear seat who is not securely fastened to his seat by means of a seat belt, if any, provided for his seat unless the passenger has been exempted under regulation 10 from compliance with subregulation (1).

(3) Subject to regulation 8, no person shall drive a private car on any road where there is in a rear seat---

(a) a passenger of 2 years of age or less who is not securely fastened to his seat by means of an approved restraining device for a young person if such device is available for use;

(b) a passenger over 2 years of age but under the age of 15 years who is not securely fastened to his seat by means of an approved seat belt (which shall be a body restraining seat belt or a lap belt or a restraining device for a young person), if such seat belt is available for use unless such passenger has been exempted under regulation 10 from compliance with subregulation (1).

(4) An approved restraining device for a young person shall only be considered to be available for use if one is fitted to the vehicle and it is not being used by another passenger.

(5) No person shall ride as a passenger in a rear seat of a private car or taxi on any road where---

(a) that seat is not provided with a seat belt; and

(b) there is another rear seat in the private car or taxi which is provided with a seat belt and is not occupied by another person,

unless the passenger has been exempted under regulation 10 from compliance with subregulation (1).

(6) Subject to regulation 8, no person shall drive a private car on any road when there is---

(a) a passenger in a rear seat which is not provided with a seat belt; and

(b) another rear seat which is provided with a seat belt and is not occupied by another person,

unless the passenger has been exempted under regulation 10 from compliance with subregulation (1). "

5. Circumstances in which regulations 7, 7A and 7B do not apply

Regulation 8 is amended by repealing ", 7B and 7C" and substituting "and 7B".

6. Power of Commissioner to exempt persons

from regulations 3, 7, 7A, 7B and 8B

Regulation 10 is amended by repealing ", 7C(1)".

7. Offences

Regulation 12 is amended---

(a) in subregulation (1), by repealing ", 7C(1)" and substituting "or (5)";

(b) by deleting subregulation (3) and substituting---

"(3) Any driver of---

(a) a private car, who contravenes regulation 7(3) or 7B(2), (3) or (6); or

(b) a light bus or goods vehicle, who contravenes regulation 7A(3),

without reasonable excuse, commits an offence and is liable to a fine at level 1. "

Consequential Amendments

Road Traffic (Public Service Vehicles) Regulations

8. Driver may refuse hire or to drive if

passenger fails to wear seat belt

Regulation 37A of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg.) is amended by adding "or 7B" after "7A".

9. Conduct of passengers in relation to seat belts

Regulation 45A is amended by adding "or 7B" after "7A".

10. Notices and numbers to be displayed on

certain public service vehicles

Regulation 51(3) is amended by adding "or 7B" after "7A".

Nicholas NG

Secretary for Transport

15 May 2000

Explanatory Note

This Regulation amends the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) to---

(a) require taxis registered on or after 1 January 2001 to comply with the provisions of regulation 6B in relation to the provision of rear seat belts and their anchorage points (section 3);

(b) repeal and replace regulations 7, 7A, 7B and 7C in order, inter alia, to extend the provisions presently applicable to the wearing of seat belts which have been mandatorily installed in vehicles to seat belts which have been voluntarily installed in vehicles (section 4);

(c) introduce 2 new prohibitions concerning the occupation in private car or taxis of rear seats not fitted with seat belts when there are unoccupied rear seats fitted with seat belts (new regulation 7B(5) and (6) at section 4); and

(d) make consequential amendments to those Regulations and the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg.) (sections 2 and 5 to 10).