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**Paper for the House Committee meeting
on 8 November 2002**

**Subcommittee on Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) (No. 2) Regulation 2002 and
Road Traffic (Safety Equipment) (Amendment) Regulation 2002**

Purpose

This paper reports on the deliberations of the Subcommittee on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2002 and Road Traffic (Safety Equipment) (Amendment) Regulation 2002.

Background

2. As a safety measure 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, the legislation was 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 compulsory fitting and wearing of seat belt was further extended to drivers of buses on 1 July 1997. The latest amendment was made on 1 January 2001 which extended the legislation to rear seats of taxis registered on or after that date. The Administration advises that after the introduction of the seat belt legislation, there is a significant decrease in the casualties of drivers and passengers in traffic accidents.

The Amendment Regulations

3. The purpose of the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2002 and the Road Traffic (Safety Equipment) (Amendment) Regulation 2002 (the Amendment Regulations) is to extend the seat belt legislation and to provide high back seats for the rear seats of new public light buses (PLBs), and to introduce miscellaneous improvements to the existing legislation.

The Subcommittee

4. The House Committee agreed at its meeting on 25 October 2002 to form a Subcommittee to study the Amendment Regulations. Chaired by Hon LEUNG Fu-wah, the Subcommittee held a meeting to discuss the Amendment Regulations with the Administration. The membership list of the Subcommittee is in **Appendix I**.

Deliberations of the Subcommittee

5. The Subcommittee supports the proposed extension of seat belt legislation to rear seats of PLBs and the provision of high back seats for interior impact protection as a safety enhancement package for new PLBs. The Subcommittee also takes the opportunity to examine other measures to lower the accident rates of PLBs including the installation of speed enforcement cameras, red light cameras, and speed display device on PLBs.

Extension of seat belt legislation to rear seats of PLBs and provision of high back seats

6. The Subcommittee notes that the proposed addition of passenger seat belts may require a new design of the internal layout of PLBs. It has examined whether the proposed 2-point lap belts would cause inconvenience to passengers who might then switch to other modes of transport.

7. The Administration has advised that the wearing of a seat belt can reduce the chance of death or serious injury in case of traffic accident. As 2-point lap belts have proved to be an effective passenger protection device, it is considered appropriate to require PLBs to fit 2-point lap belts in all rear passenger seats to enhance passenger safety. Apart from seat belts, high back seats (seats with proper back rests and head restraints) should be provided to help absorb the energy of possible impact between the body (particularly the head) and the back rest in case of an accident. The Administration has advised that all seats and their anchorages shall conform with overseas standards and specifications.

8. To facilitate easy wearing by passengers, the Administration points out that retractable belts equipped with either an automatic locking retractor or an emergency locking retractor and capable of being extended to confine a person of torso circumference of not less than 1200 millimetres will be fitted to the seats concerned. The width of each seat will also be widened from 380 millimetres to 450 millimetres. As the wearing or unfastening of seat belt will only take a few seconds, it will not unduly affect the boarding or alighting of passengers nor the operation of PLBs. In carrying out enforcement action against illegal stopping activities of PLBs, the Police will take account of the relevant factors and exercise discretion as appropriate. The Administration would relay the member's concern about the possible prosecution

against PLB drivers as a result of the implementation of the seat belt legislation on PLBs to the police.

9. Regarding the responsibility of wearing seat belts on PLBs, the Subcommittee agrees that PLB drivers would have difficulties in monitoring the behaviour of all passengers and in ensuring that the passengers observe the seat belt requirement during the whole trip. As such, it agrees that it should be the legal responsibility of individual PLB passenger to wear seat belt.

10. The Subcommittee has examined what PLB passengers should do when they take a child with them. The Administration advises that an adult passenger should wear the seat belt and hold a child of 2 years of age or less in his arms. A children over 2 years of age can take a seat and wear the seat belt available.

Maintenance of seat belts

11. The Subcommittee has examined the legal responsibility in case a seat belt does not function. The Administration has advised that a passenger is required to wear a seat belt if available. However, the passenger is exempted from the requirement if the seat belt does not function.

12. The Subcommittee notes that PLB owners and drivers have to ensure that seat belts on PLBs are in good and serviceable condition. Failure to comply with this requirement is an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months. The Subcommittee has expressed concern that it is not practicable for PLB drivers to check all seat belts before moving off each day.

13. The Administration advises that having regard to the experience of seat belt legislation in taxi, it sees no problem to extend the same legislation to PLBs. To ensure that seat belts are in good and serviceable condition, routine check by drivers would be desirable. Passengers would also be encouraged to inform drivers of PLBs of any mal-functioning of seat belts inside PLBs. The Administration would step up publicity to educate the general public and drivers prior to implementation.

Implementation date

14. The Subcommittee notes that in line with the existing seat belt legislation, high back seats and seat belts will only be required on all new PLBs registered on or after a designated date and retro-fitting of existing vehicles will not be required. The Administration has also consulted the vehicle suppliers and the PLB trade on the proposals. They indicated general support and requested that sufficient lead time be provided for the design and installation of the proposed safety facilities. Taking into account the views of the trade and the vehicle manufacturers, it is proposed that the seat belt and high back seat requirement shall apply to new PLBs registered on or after 1 August 2004, by which the Administration aims to bring the Amendment Regulations into operation. At present, around 30% to 40% of the PLBs exceed ten

years or more. It is expected that these PLBs would be replaced in the next three years.

Relaxation of maximum gross vehicle weight

15. The Administration also decides to relax the weight limit on light buses from 4 to 5.5 tonnes. This will allow for the installation of the proposed safety equipment and facilitate the introduction of more light bus models in the Hong Kong market. The trade supports the proposed relaxation. The Administration will separately introduce the necessary legislative changes to the weight limit.

16. The Administration also advises that when considering the one-off grant of \$60,000 to owners of diesel PLBs to replace their vehicles with an liquefied petroleum one, it has already taken into account the relaxation of light bus weight and the increase in capital cost for the new design of the internal layout of PLBs.

Other possible measures to enhance PLB safety

17. The Subcommittee is concerned that with the implementation of the proposed extension of seat belt legislation to rear seats of PLBs, speeding activities by PLB would increase. To address the problem, the Subcommittee has examined whether the installation of speed display device should be made mandatory and whether other safety measures should be introduced.

18. The Administration advises that at present, speed display device have been installed on 112 green minibuses (GMBs). Of which, 56 have been installed on GMBs providing overnight service. Transport Department has requested the relevant GMB operators to install the device on the remaining overnight GMBs. With the launching of new models of speed display device in the market, it is expected that more and more PLBs would be equipped with the device. The Department would also liaise with the red minibus trade with a view to encouraging them to install such a device on their vehicles.

19. On other means to combat speeding, the Administration has advised that the Police is taking and will continue to take necessary enforcement action against speeding. Apart from the conventional speed enforcement devices, 2 digital speed enforcement camera units are in operation to combat speeding activities and another 8 camera units will be provided and installed by mid 2003 at 75 locations. Besides, 16 red light cameras are in operation and deployed at 51 signalized junctions throughout the territory to combat red light jumping activities. An addition of 12 cameras will be procured and deployed at another 60 signalized junctions by early 2003. The Administration will step up publicity to advise motorists to drive within speed limits.

Advice sought

20. The Subcommittee supports the Amendment Regulations and invites the House Committee to note its deliberations.

Council Business Division 1
Legislative Council Secretariat
7 November 2002

**Subcommittee on
Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) (No 2) Regulation 2002 and
Road Traffic (Safety Equipment) (Amendment) Regulation 2002**

Membership list

Chairman Hon LEUNG Fu-wah, MH, JP

Members Hon Cyd HO Sau-lan
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon LAU Kong-wah
Hon Miriam LAU Kin-yee, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP

(Total: 8 members)

Clerk Mr Andy LAU

Legal Adviser Miss Monna LAI

Date 5 November 2002