

Tel. 2189 2002 Fax 2537 3774
ETWB(T)CR 6/3231/00 Pt.6

29 June 2004

Mr Andy Lau
Clerk to Subcommittee
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road
Central, Hong Kong
(Fax No. 2121 0420)

Dear Mr Lau,

**Subcommittee on
four items of subsidiary legislation relating to the
installation of passenger protection equipment on
all newly registered public light buses**

I refer to the captioned meeting yesterday at which the problem of Toyota failing to deliver short wheel base LPG public light buses (PLBs) equipped with passenger protection equipment by August 2004 was discussed.

To recap, we propose to require all new PLBs to be equipped with seat belts and high back seats to enhance passenger safety. There are three major areas of legislative amendments relating to this new requirement –

- (a) Amending the Road Traffic (Safety Equipment) Regulations and the Road Traffic (Construction and Maintenance of Vehicles) Regulations to provide for the fitting and wearing of seat belts in the rear seats of newly registered PLBs. The Amendment Regulations were passed by the Legislative Council (LegCo) in November 2002;

- (b) Amending the Fixed Penalty (Criminal Proceedings) Ordinance and its Regulations to reflect that the responsibility for wearing seat belts rests with the passenger, not the PLB driver. The Ordinance has been amended by a resolution by the LegCo on 9 June 2004 and the Amendment Regulations have been tabled at the LegCo; and
- (c) Amending the Road Traffic Ordinance and the Second Schedule to the Road Traffic (Construction and Maintenance of Vehicles) Regulations to increase the maximum gross vehicle weight of a light bus from 4 to 5.5 tonnes so as to install the passenger protection equipment. The Bills Committee supported the amendments. The Second Reading Debate of the Bill will resume on 30 June 2004.

Commencement Notices to bring (a) and (b) into effect on 1 August 2004 were published in the Gazette on 18 June 2004.

When the legislative amendments at (a) above were passed in November 2002, we made clear in all the public documents and media releases that the new requirements would come into effect on 1 August 2004. A period of 20 months has been given to vehicle manufacturers to enable them to prepare for the new requirements. We have also repeatedly reminded PLB suppliers that 1 August 2004 would be the commencement date for implementing the new statutory requirements.

We understand that with the exception of Crown Motors, the franchise dealer of Toyota, all the other PLB suppliers have confirmed their readiness to comply with the new requirements by 1 August 2004. In fact, Toyota's long wheel base LPG PLBs and diesel PLBs that are currently available in the Hong Kong market are already equipped with high back seats and seat belts, indicating that Toyota is technically capable of producing light buses in compliance with the new requirements. We are most surprised to learn that its short wheel base LPG PLBs that meet the new safety requirements would only be available by November 2004. We have urged Toyota to take all necessary actions to expedite its production schedule to meet the market demand in Hong Kong as early as possible.

We are committed to bringing the new safety requirements into effect on 1 August 2004 to enhance the safety of PLB passengers. We do not consider it appropriate to amend the legislative timetable simply because one supplier is unable to supply one of the PLB models in time. It would be inequitable to other suppliers who have endeavoured to adjust their production line to meet the planned timetable. In addition, deferring the implementation timetable would be unfair to PLB operators and passengers.

Nevertheless, in the light of concerns expressed by some PLB operators about the impact of the problem on their eligibility for the grant for conversion of diesel PLBs to LPG PLBs, we agree to put in place the following arrangements –

- (a) a PLB owner whose diesel PLB is reaching the age of 10 years or above by the end of 2004, and who has placed a purchase order for an LPG PLB on or before 31 December 2004, may be eligible for the grant for an extended period;
- (b) the period of extension will be one year counting from the due date (within 2004) for vehicle examination for the certificate of roadworthiness of the aforesaid diesel PLB;
- (c) an application for the grant and the supporting documents must be submitted on or before 31 December 2004; and
- (d) the application will be examined on a case-by-case basis.

We will inform the PLB trade of the implementation details as soon as possible.

Yours sincerely,

(Ms Annie Choi)
for Secretary for the Environment,
Transport and Works