

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance
(Chapter 374)

Road Traffic (Safety Equipment) (Amendment) Regulation 2005
Road Traffic (Traffic Control) (Amendment) Regulation 2005
Road Traffic (Registration and Licensing of Vehicles) (Amendment)
(No.2) Regulation 2005
Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) Regulation 2005

INTRODUCTION

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C
D

The Secretary for the Environment, Transport and Works has made the Road Traffic (Safety Equipment) (Amendment) Regulation 2005 (at **Annex A**), the Road Traffic (Traffic Control) (Amendment) Regulation 2005 (at **Annex B**), the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulation 2005 (at **Annex C**) and the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2005 (at **Annex D**) to meet present-day requirements.

JUSTIFICATIONS

Standards for Protective Helmets and Seat Belts

2. The standards for approved protective helmets and seat belts are set out in the Schedules to the Road Traffic (Safety Equipment) Regulations (Cap. 374F) (the Safety Equipment Regulations). In recent years, new and improved standards for helmets and seat belts have been introduced in the market. We therefore intend to update the relevant Schedules by including such new standards. Similar to the notification system for seat belts, we further propose to specify in the Safety Equipment Regulations that the Commissioner for Transport (C for T) may notify by general notice published in the Gazette the types of approved helmets that meet the prescribed standards.

“Keep left” and “No-stopping” signs

3. The Road Traffic (Traffic Control) Regulations (Cap. 374G) (the Traffic Control Regulations) prescribe the traffic signs used on roads, including

the “keep left” and “no-stopping” signs. Failing to comply with the prescribed traffic signs under regulation 59 of the Traffic Control Regulations is an offence.

4. In 2001, a new “keep left” sign was included in the Traffic Control Regulations as a variation to the old sign. New “no-stopping” signs were also included with a view to replacing the old signs. The “new” and “old” signs are at **Annex E**.

E

5. The Transport Department then commenced a sign replacement programme to replace the old “no-stopping” signs with the new ones. Upon the completion of the programme in the second half of 2005, the Traffic Control Regulations will have to be amended such that the old “no-stopping” signs will be repealed. To ensure that failure to comply with the new “keep left” and “no-stopping” signs will continue to be an offence under regulation 59 of the Traffic Control Regulations, the figure numbers of the new signs will also be added to that Regulation.

Standing Passengers on Moving Vehicles

6. A float vehicle is a vehicle mounted with a decorated platform with performers standing thereon. Currently, their operation is subject to Movement Permits issued by C for T.

7. However, according to regulation 53 of the Traffic Control Regulations, passengers travelling in any vehicle are required to be properly seated. In addition, according to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) (the Registration and Licensing of Vehicles Regulations), vehicles operating under Movement Permits are not allowed to carry loads other than such equipment, spares or fuel as are normally carried on such vehicles.

8. The Hong Kong Disneyland is scheduled for opening in the summer of 2005. Float parades will be one of the major regular events in the Disneyland. To cater for such parades as well as other occasions on which float parades would be held, we need to amend the relevant provisions to empower C for T to exempt floats from the aforesaid restrictions.

THE AMENDMENT REGULATIONS

9. The main provisions of the Road Traffic (Safety Equipment) (Amendment) Regulation 2005 are as follows:

- (a) Regulations 3 and 4 add new standards for protective helmets and seat belts set out in Schedules 1 and 2 to the Safety Equipment Regulations and repeal outdated standards for protective helmets set out in Schedule 1.

- (b) Regulation 3 also amends the Safety Equipment Regulations to provide that where C for T approves a type of protective helmet for the purpose of paragraph 2 of Schedule 1, the approval should be published by notice in the Gazette.

10. The main provisions of the Road Traffic (Traffic Control) (Amendment) Regulation 2005 are as follows:

- (a) Regulation 2 provides that, under certain conditions, the driver of a vehicle may be exempted from the requirement of regulation 53(2) of the Traffic Control Regulations, which provides that the driver shall not permit a passenger to stand on the vehicle.
- (b) Regulation 3 adds a new regulation 53A to the Traffic Control Regulations to set out the procedure and criteria for the granting of an exemption from the requirement of regulation 53(2) in respect of a vehicle used as a float. The new regulation 53A also provides that C for T may impose conditions on the exemption granted.
- (c) Regulation 4 amends references to traffic signs in regulation 59(1) of the Traffic Control Regulations.
- (d) Regulation 5 repeals the old “no-stopping” signs and their references in other provisions under Schedule 1 to the Traffic Control Regulations.

11. The main provisions of the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulation 2005 are as follows:

- (a) Regulation 2 amends the reference to “地盤” to “地點” to widen the application of regulation 53(1)(a) of the Registration and Licensing of Vehicles Regulations.
- (b) Regulation 2 also amends regulation 53(3) of the Registration and Licensing of Vehicles Regulations so that a vehicle operating under a movement permit will be subject to the condition that it is not allowed to carry loads other than such equipment, spares or fuel as are normally carried on such vehicle only when C for T imposes it.

12. The Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2005 amends regulation 3 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), which is consequential to the amendment set out in paragraphs 11(a) above.

LEGISLATIVE TIMETABLE

13. The amendment regulations will be published in the Gazette on 6 May 2005 and will be tabled at LegCo for negative vetting on 11 May 2005. The amendments relating to standards of protective helmets and seat belts as well as floats will come into effect on 30 June 2005. The effective date for the amendments relating to the traffic signs will be appointed by the Secretary for the Environment, Transport and Works by notice in the Gazette, taking into account the progress of the sign replacement programme.

IMPLICATIONS OF THE PROPOSAL

14. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It does not affect the binding effect of the Road Traffic Ordinance and its subsidiary regulation. The proposal should have no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

15. We have consulted the Transport Advisory Committee on the proposal. Members supported the proposal. We have also circulated an information note on the proposal to the LegCo Panel on Transport. Members have no objection to the proposal. The Hong Kong Motorcycle Chamber of Commerce, the Hong Kong Motorcycle Association, the Motor Traders Association of Hong Kong, major protective helmet distributors and retailers have been consulted on the proposed updating of the standards of helmets and seat belts, and they all indicated support. Proposed amendments relating to floats and traffic signs are technical in nature and have no implications for the transport trade.

PUBLICITY

16. A spokesman will be available to answer media and public enquiries.

OTHERS

17. For enquiries, please contact Ms Elizabeth Tai, Principal Assistant Secretary for the Environment, Transport and Works, at 2189 2182.

Environment, Transport and Works Bureau
4 May 2005

ROAD TRAFFIC (SAFETY EQUIPMENT) (AMENDMENT) REGULATION 2005

(Made under section 10 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 30 June
2005.

2. Interpretation

Regulation 2(1) of the Road Traffic (Safety Equipment)
Regulations (Cap. 374 sub. leg. F) is amended in paragraph (f)
of the definition of "認可" by repealing "." and substituting
";".

3. Approved protective helmets

Schedule 1 is amended -

(a) in paragraph 1 -

(i) by repealing subparagraphs (b) and
(i);

(ii) in subparagraph (k), by repealing the
full stop and substituting a
semicolon;

(iii) by adding -

"(l) British Standard 6658:1985;

(m) Japanese Industrial

Standard JIS T 8133:1970-
2000 for full type
protective helmets for
drivers and passengers of
motorcycle;

- (n) Australian Standard AS
1698-1988;
- (o) Federal Motor Vehicle
Safety Standard No. 218 of
Federal Regulations Vol. 38
No. 160 of USA dated 20
August 1973 including all
revisions of that standard
made before the date this
subparagraph comes into
operation;
- (p) ECE Regulation No. 22 made
by the Economic Commission
for Europe dated 1 June
1972 (E/ECE/324-
E/ECE/TRANS/505/Rev.1/Add.
021) including all
revisions of that
regulation made before the
date this subparagraph
comes into operation;
- (q) Snell Memorial Foundation.

Standard for Protective
Headgear 1970-2005.”;

- (b) in paragraph 2, by adding “and specified by him
by notice in the Gazette” after “Commissioner”.

**4. Approved seat belts and approved
anchorage points**

Schedule 2 is amended -

- (a) in paragraph 1 of Part I -

- (i) in subparagraph (f), by repealing
“and” at the end;
- (ii) in subparagraph (g), by repealing the
full stop and substituting a
semicolon;
- (iii) by adding -
- “(h) Australian Design Rule 4/03
approved in Road Vehicle
(National Standards)
Determination No. 2 of 1997
(Australia) including all
revisions of that rule made
before the date this
subparagraph comes into
operation;
- (i) (i) Technical
Standard for Seat
Belt Assemblies
made by the

Minister of Land,
Infrastructure
and Transport of
Japan in

Attachment 32 to
Announcement No.
619 of 15 July
2002; and

(ii) Seat Belt

Assembly Test
Procedure (TRIAS)

31-1994 made by
the Minister of
Land,

Infrastructure
and Transport of
Japan in Circular
of Koshin No. 453
of 24 August 1971,

including all revisions of
that standard and test
procedure made before the
date this subparagraph
comes into operation;

(j) Directive 77/541/EEC issued
by the European Economic
Community dated 28 June

1977 including all
revisions of that directive
made before the date this
subparagraph comes into
operation." ;

- (b) in paragraph (h) of Part II, by repealing
"Kinshin" and substituting "Koshin" ;
- (c) in paragraph (e) of Part III, by repealing
"Kinshin" and substituting "Koshin" ;
- (d) in paragraph (c) of Part IIIA, by repealing
"Kinshin" and substituting "Koshin" ;
- (e) in paragraph (d) of Part IV, by repealing
"Kinshin" and substituting "Koshin" ;
- (f) in paragraph (c) of Part V, by repealing
"Kinshin" and substituting "Koshin".

Secretary for the Environment,
Transport and Works

30 April 2005

Explanatory Note

This Regulation amends the Road Traffic (Safety Equipment)
Regulations (Cap. 374 sub. leg. F) ("principal Regulations").

The main purposes are as follows -

- (a) to revise the specifications and standards for protective helmets set out in Schedule 1 to the principal Regulations (section 3(a));
- (b) to provide that where the Commissioner for Transport approves a type of protective helmets as approved protective helmets, the Commissioner has to publish his approval in the Gazette (section 3(b));
- (c) to revise the specifications and standards for seat belts set out in Part I of Schedule 2 to the principal Regulations (section 4).

ROAD TRAFFIC (TRAFFIC CONTROL)(AMENDMENT) REGULATION 2005

(Made under sections 11 and 13 of the Road Traffic Ordinance (Cap. 374))

1. Commencement

(1) Subject to subsection (2), this Regulation shall come into operation on 30 June 2005.

(2) Sections 4 and 5 shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Carriage of passengers

Regulation 53 of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) is amended -

(a) in subregulation (2) -

(i) by repealing "Subject to subregulation (7), no" and substituting "No";

(ii) by repealing everything after "travel in" and substituting -

"the vehicle unless seated in a properly constructed seat secured to the bodywork of the vehicle except -

(a) where the vehicle is a public

service vehicle
licensed to carry
standing
passengers; or

(b) where the vehicle
is exempted under
regulation 53A
from this
subregulation.";

(b) subregulation (7) is repealed.

3. Regulation added

The following is added -

"53A. Exemption from regulation 53(2)

(1) If the owner of a vehicle intends to have the vehicle used as a float in a parade, he may apply to the Commissioner for the vehicle, while it is being so used, to be exempted from regulation 53(2).

(2) An application under subregulation (1) is -

(a) to be made in the manner specified by the Commissioner;

(b) to state the time and the route of the parade; and

(c) to be accompanied by such other information or documents as the Commissioner may require for the purpose of deciding whether the application should

be granted.

(3) On receipt of an application under subregulation (1), the Commissioner may grant, or refuse to grant, the application.

(4) The Commissioner shall not grant an application for a vehicle to be exempted from regulation 53(2) unless he is satisfied that -

- (a) the vehicle will be used as a float in a parade during the time, and on the roads along the route, stated in the application;
- (b) during that time, those roads will be designated to be used exclusively for the purpose of the parade; and
- (c) adequate measures will be adopted to ensure the safety of passengers standing on the vehicle during that time.

(5) If the Commissioner refuses an application under subregulation (3), he shall inform the applicant of the refusal and the reason for it.

(6) If the Commissioner grants an application for a vehicle to be exempted from regulation 53(2) -

- (a) it is a condition of the exemption that -
 - (i) the vehicle is to be used as a float in a parade during the time, and on the roads along the route, stated in the application;
 - (ii) during that time, those roads

are to be designated to be used exclusively for the purpose of the parade; and

(iii) the vehicle is to move at a speed not exceeding the speed limit specified by the Commissioner in the exemption;

(b) the Commissioner may impose such other conditions of the exemption as he considers necessary after consultation with the Commissioner of Police.

(7) For the purposes of this regulation, "float" (花車), in relation to a parade, means -

(a) a vehicle decorated for the purpose of the parade; or

(b) a vehicle fitted with a platform for holding performances, or displaying decoration, for the purpose of the parade."

4. Failure to comply with traffic signs and road markings

Regulation 59 is amended -

(a) in subregulation (1) -

(i) in paragraph (a), by repealing "101 to 117, 120 to 123, 128 to 153 inclusive, 159, 161 and 162" and

substituting "101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 121, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 147, 148, 149, 150, 151, 152, 153, 159, 161, 162, 165, 166, 167, 168 and 169";

(ii) in paragraph (b), by repealing "507 to 513, 515 to 519 and 523 to 525 inclusive" and substituting "507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 519, 523, 524 and 525";

(b) in subregulation (2)(a), by repealing "23 to 34 inclusive, 36, 38, 41, 47 to 50 inclusive" and substituting "23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 41, 47, 48, 49, 50".

5. Traffic signs

Schedule 1 is amended -

- (a) in Figure No. 140, in the note, by repealing "WHERE USED AS A REPEATER SIGN FOR FIGURE No. 141, THE 300 mm SIZE MAY BE USED";
- (b) by repealing Figure Nos. 141, 142, 143 and 144;
- (c) in Figure No. 429, in the note, by repealing "141, 143,";
- (d) in Figure No. 430, in the note, by repealing ",

141".

Secretary for the Environment,
Transport and Works

30 April 2005

Explanatory Note

This Regulation amends the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) ("principal Regulations").

Background

2. Regulation 53(2) of the principal Regulations provides that the driver of a vehicle (except a public service vehicle licensed to carry standing passengers) on a road shall not permit a passenger to travel in the vehicle unless the passenger is seated in a seat of the vehicle.

3. Regulation 53(2) of the principal Regulations provides that the operation of the provision is subject to regulation 53(7) of the principal Regulations. That regulation 53(7) provides that, in relation to a passenger permitted to travel in a goods vehicle (other than in the driving cab of the vehicle), that regulation 53(2) would apply with effect from 1 September 1989. Since 1 September 1989, that regulation 53(2) has applied to passengers permitted to travel in goods vehicles and that regulation 53(7) is not needed anymore.

4. A new "KEEP LEFT" sign (Figure No. 169) has been added in Schedule 1 to the principal Regulations. New "NO STOPPING" signs (Figure Nos. 165, 166, 167 and 168) have also been added in that Schedule to replace Figure Nos. 141, 142, 143 and 144 in that Schedule.

The amendments

5. This Regulation -

- (a) amends the principal Regulations to empower the Commissioner for Transport to exempt a float in a parade from regulation 53(2) of the principal Regulations and to impose conditions on the exemption (section 2(a)(ii) and new regulation 53A in section 3);
- (b) repeals regulation 53(7) of the principal Regulations and reference to that regulation 53(7) in regulation 53(2) of the principal Regulations to improve the readability of that regulation 53(2) (section 2(a)(i) and (b));
- (c) amends regulation 59(1)(a) of and Schedule 1 to the principal Regulations to reflect the changes regarding traffic signs as aforesaid (sections 4(a)(i) and 5).

ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES)
(AMENDMENT)(NO. 2) REGULATION 2005

(Made under section 6 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 30 June
2005.

2. Movement permits

Regulation 53 of the Road Traffic (Registration and
Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) is
amended -

(a) in subregulation (1) -

(i) in paragraph (a), by repealing “僅為從
一個地盤前往另一個地盤” and substituting
“是僅為從某一地點前往另一地點的目的”;

(ii) by repealing “該許可證關乎的車輛就” and
substituting “該車輛為”;

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

“(3) It is a condition of every
movement permit that -

(a) the vehicle to which the
permit relates is to be

driven on the road by a person holding a valid driving licence authorizing him to drive a vehicle of that class;

(b) the vehicle to which the permit relates is to be moved during the time, and on the roads, specified by the Commissioner in the permit; and

(c) the vehicle to which the permit relates is to be moved at a speed not exceeding the speed limit specified by the Commissioner in the permit.

(3A) The Commissioner may impose on a movement permit -

(a) a condition that when the vehicle to which the permit relates is being moved on a road, no load may be carried on the vehicle other than such equipment, spares or fuel as are normally carried on the

vehicle; and

- (b) any other conditions the Commissioner, in consultation with the Commissioner of Police and any other authority, considers necessary."

3. Offences

Regulation 60(1) is amended by adding "or (3A)" after "53(3)".

Secretary for the Environment,
Transport and Works

30 April 2005

Explanatory Note

This Regulation amends the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) ("principal Regulations").

Background

2. At present, every movement permit issued under regulation 53 of the principal Regulations shall be subject to a condition that where a vehicle to which a movement permit

relates is being moved on a road, no load shall be carried on the vehicle other than such equipment, spares or fuel as are normally carried on such vehicle.

3. Regulation 53(1)(a) of the principal Regulations provides that a movement permit may be issued upon the application of an owner of a vehicle driven on a road only for the purpose of proceeding from one site to another. The Chinese equivalent of "site" in the Chinese text of that regulation 53(1)(a) is "地盤".

The amendments

4. This Regulation amends regulation 53 of the principal Regulations. After amendment, a movement permit will be subject to the aforesaid condition only when the Commissioner for Transport imposes it (new regulation 53(3A) in section 2(b)). That regulation 53 is also amended to provide that every movement permit shall be subject to a condition as to speed limit (new regulation 53(3)(c) in section 2(b)).

5. This Regulation amends the Chinese text of regulation 53(1)(a) of the principal Regulations to replace the reference to "地盤" by "地點" so as to widen the scope of application of that regulation 53(1)(a) (section 2(a)).

ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF
VEHICLES)(AMENDMENT) REGULATION 2005

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

1. Commencement

This Regulation shall come into operation on 30 June
2005.

2. Application

Regulation 3(b) of the Road Traffic (Construction and
Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) is
amended -

- (a) by repealing “只依據” and substituting “依據根據”;
- (b) by repealing “在道路上使用以便從一個地盤駛往另一個地
盤” and substituting “僅為從某一地點前往另一地點的目
的而在道路上使用”.

3. Schedule 15 amended

Schedule 15 is amended -

- (a) in section 4 of Part 1, by repealing “Kinshin”
and substituting “Koshin”;
- (b) in section 5 of Part 2, by repealing “Kinshin”
and substituting “Koshin”.

Secretary for the Environment,
Transport and Works



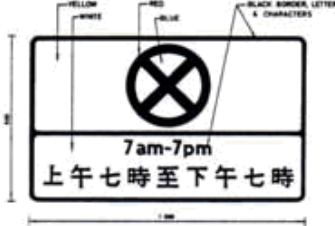
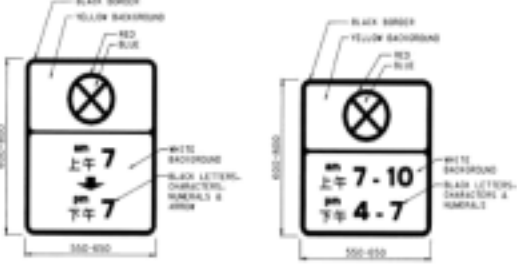
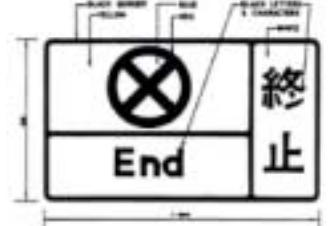
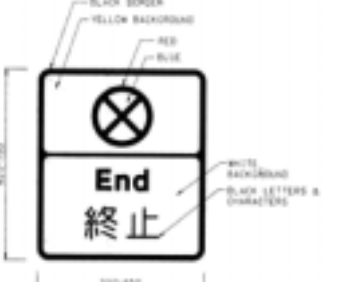

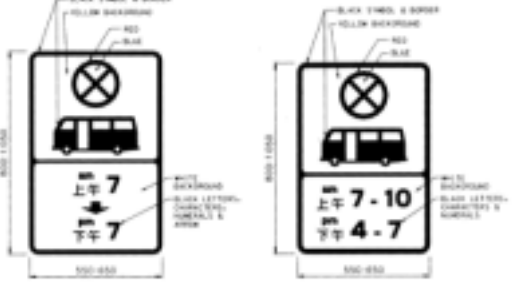
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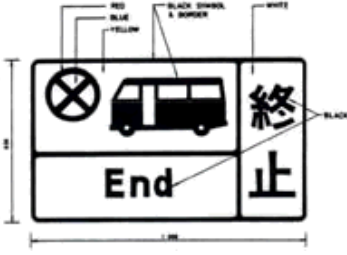
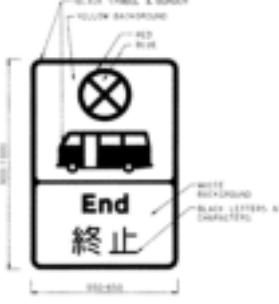
Explanatory Note

This Regulation amends regulation 3(b) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) ("principal Regulations") to replace the reference to "地盤" by "地點". This amendment is consequential upon the amendment made to regulation 53(1)(a) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) by the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulation 2005 (L.N. of 2005) (section 2).

2. This Regulation also makes minor textual amendments to Schedule 15 to the principal Regulations to replace references to "Kinshin" by "Koshin" (section 3).

**“Keep left” and “No-stopping” signs
(as prescribed in Schedule 1 to the
Road Traffic (Traffic Control) Regulations)**

Sign	Old Sign	New Sign
Keep left	 <p align="center">(Figure No. 130)</p>	 <p align="center">(Figure No. 169)</p>
“No-stopping” zone	 <p align="center">(Figure No. 141)</p>	 <p align="center">(Figure No. 165)</p>
“No-stopping” zone end	 <p align="center">(Figure No. 142)</p>	 <p align="center">(Figure No. 166)</p>
Public Light Bus “No-stopping” zone	 <p align="center">(Figure No. 143)</p>	 <p align="center">(Figure No. 167)</p>

<p>End of Public Light Bus “No-stopping” zone</p>	 <p>(Figure No. 144)</p>	 <p>(Figure No. 168)</p>
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