

**For Discussion
27 February 2009**

Legislative Council Panel on Transport

Road Safety Problems arising from Drivers' Failure to Wear Seat Belts

INTRODUCTION

This paper sets out the relevant information and, where applicable, the Administration's assessment and response in respect of the road safety problem arising from drivers' failure to wear seat belts.

EXISTING LEGISLATION ON WEARING SEAT BELTS ON VARIOUS MODES OF TRANSPORT

2. Existing legislation on the requirement to fitting and wearing seat belts is contained in the Road Traffic (Safety Equipment) Regulations (Cap. 374F). A summary of the requirement is at Annex.
3. In brief -
 - (a) The driver seat and specified passenger seats of private cars, taxis, public light buses, private light buses and goods vehicles that were manufactured/registered on or after a specific date and all driver seats of registered buses are required to be fitted with seat belts of approved types;
 - (b) seat belts must be worn if fitted;
 - (c) drivers are liable for prosecution for failing to wear seat belts;
 - (d) drivers of private cars, private light buses and goods vehicles are liable for prosecution for passengers in the specified seats who fail to wear seat belts; and
 - (e) passengers in the specified seats are also liable for prosecution for failing to wear seat belts.

4. Under the Road Traffic (Safety Equipment) Regulations (Cap. 374F), a driver or passengers in the specified passenger seats who fail to wear a seat belt is an offence and liable to a fine of \$5,000 and to imprisonment for 3 months. A fixed penalty of \$320 and \$230 may be imposed to drivers for failing to wear seat belts themselves and for their passengers failing to wear seat belts respectively.

CURRENT SITUATION ON COMPLIANCE

5. Relevant government departments and the Road Safety Council have been making a continual appeal for drivers and passengers to “buckle up”. Judging from the responses to various operations and publicity activities organized by the Police, these efforts are well received by members of the public.

6. The numbers of casualties involving drivers who were found not wearing a seat belt at the time of an accident for the past 5 years were generally decreasing, and details are given in the table below:

Year	Severity			Total
	Fatal	Serious	Slight	
2004	2	12	57	71
2005	3	2	63	77
2006	2	5	46	53
2007	3	8	46	57
2008	2	5	46	53

POLICE ENFORCEMENT

7. Enforcement actions are conducted mainly by way of issuing fixed penalty tickets or summons. The enforcement statistics on failure to wear seat belt in the past 5 years are as follows:

	Fixed Penalty Tickets¹	Summons²	Arrests³	Total
2004	17,331	535	11	17,877
2005	17,481	1,427	4	18,912
2006	15,438	1,720	7	17,165
2007	14,228	1,538	4	15,770
2008	14,795	1,921	7	16,723

The above figures suggest that failure to wear a seat belt remains for some drivers and passengers a bad habit that takes time to eradicate.

EFFORTS TO RAISE AWARENESS AND ENCOURAGE COMPLIANCE

8. We believe that if drivers and passengers are buckled up, the severity of accidents may be lessened. We adopt a comprehensive approach to tackle the problem through education, publicity and law enforcement.

9. The Police regularly conduct territory-wide operations to target the offence of 'failing to wear a seat belt'. Specifically, territory-wide operations were conducted in June and November 2008 targeting bad driving behaviour of public service vehicles and goods vehicles, including failure to wear a seat belt. Publicity and education activities were conducted in the first two days of the operation and 'buckle up' stickers were distributed to drivers and passengers of public service vehicles to remind them of their responsibility to wear seat belts and the relevant penalties for violation under the law, followed by enforcement actions which commenced on the third day of operation. In addition, traffic formations of the respective Police regions also organize their own operations of the same nature.

10. The Road Safety Council has produced TV and radio APIs to remind the public of the importance of wearing seat belt and the relevant penalties for non-compliance. We will consider producing more specific publicity materials with the drivers of all vehicles in mind.

¹ All fixed penalty tickets were issued to drivers, either for failing to wear seat belts themselves or for their passengers failing to wear seat belts.

² Passengers of specified seats of a private car, taxi, public light bus, private light bus, goods vehicle and bus failing to wear seat belt are not scheduled offences under the Fixed Penalty (Criminal Proceedings) Ordinance. Most of the summonses were issued to passengers.

³ Drivers were arrested in relation to other serious traffic offences, e.g. dangerous driving, in which seat belt offence was not the main offence.

ADVICE SOUGHT

11. Members are invited to note the contents of this paper.

**Transport and Housing Bureau
February 2009**

**Summary of Seat Belt Legislations
Road Traffic (Safety Equipment) Regulations (Cap. 374F)**

(A) Types of vehicles and specified passenger seats required to be fitted with seat belts of approved types

Vehicle Type	Driver Seat and Front Seat	Middle Front Seat	Rear Seat
Private Car	<ul style="list-style-type: none"> • Manufactured on or after 30 June 1964, and • First registered on or after 1 August 1976 	<ul style="list-style-type: none"> • Registered on or after 1 June 1996 	<ul style="list-style-type: none"> • Registered on or after 1 June 1996
Taxi	<ul style="list-style-type: none"> • Manufactured on or after 1 January 1981, and • Registered on or after 1 January 1981 		<ul style="list-style-type: none"> • Registered on or after 1 January 2001
Private Light Bus	<ul style="list-style-type: none"> • Manufactured on or after 1 January 1984 		Not Applicable
Public Light Bus	<ul style="list-style-type: none"> • Manufactured on or after 1 January 1984 		<ul style="list-style-type: none"> • Registered on or after 1 August 2004
Goods Vehicle	<ul style="list-style-type: none"> • Manufactured on or after 1 January 1989, and • Registered on or after 1 January 1990 		Not Applicable
Bus	<ul style="list-style-type: none"> • All registered buses (driver seat only) 	Not Applicable	Not Applicable

(B) Who has to wear a seat belt?

Vehicle Type	Driver Seat and Front Passenger	Middle Front Passenger	Rear Seat Passengers
Private Car	Seat belts must be worn if fitted	Seat belts must be worn if fitted	Seat belts must be worn if fitted
Taxi			
Private Light Bus			Not Applicable
Public Light Bus			Seat belts must be worn if fitted
Goods Vehicle			Not Applicable
Bus		Not Applicable	Not Applicable