

立法會
Legislative Council

LC Paper No. CB(1)920/13-14
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Panel on Transport

Minutes of meeting held on
Friday, 20 December 2013, at 10:00 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon CHAN Kam-lam, SBS, JP (Chairman)
Hon Gary FAN Kwok-wai (Deputy Chairman)
Hon LEE Cheuk-yan
Hon WONG Kwok-hing, BBS, MH
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHAN Hak-kan, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon CHAN Han-pan
Dr Hon KWOK Ka-ki
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent : Hon James TO Kun-sun
Dr Hon Elizabeth QUAT, JP
Hon Tony TSE Wai-chuen

Public Officers attending : **Agenda item III**

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Miss Amy CHAN Yuen-man
Principal Assistant Secretary for Transport and
Housing (Transport) 6

Mr CHEUNG Jin-pang
Assistant Commissioner/Adm & Licensing
Transport Department

Mr Wilson CHIU Wing-sheung
Principal Executive Officer/VALID & Licensing
Transport Department

Ms Rita LAU Kwei-lan
Senior Systems Manager/E-Strategy
Transport Department

Agenda item IV

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Ms Ivy LAW Chui-mei
Deputy Secretary for Transport and Housing
(Transport)3

Mr David TO Kam-biu
Deputy Commissioner/Planning & Technical
Services
Transport Department

Mr LEUNG Tak-fai
Assistant Commissioner/Technical Service
Transport Department

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (1)2

Staff in attendance : Ms Macy NG
Senior Council Secretary (1)2

Ms Emily LIU
Legislative Assistant (1)2

Action

I Information papers issued since the last meeting

(LC Paper No. CB(1)367/13-14(01) - Submission from a member of the public on MTR Corporation Limited's withdrawal of the 10-cent Octopus passenger contribution for retrofitting of platform screen doors

LC Paper No. CB(1)368/13-14(01) - Joint letter from Hon WONG Kwok-hing, Hon TANG Ka-piu and Hon KWOK Wai-keung regarding the operation of taxi trade

LC Papers Nos. - Submission from Hong
CB(1)388/13-14(01) and Kong Scheduled (GMB)
CB(1)503/13-14(01) Licensee Association
regarding Maxicab's charter
on the Public Transport Fare
Concession Scheme for the
Elderly and Eligible Persons
with Disabilities and the
Administration's response

LC Papers Nos. - Letter from Hon TANG
CB(1)468/13-14(01) and Ka-piu regarding the fare
CB(1)590/13-14(01) increase application from
the Kowloon Motor Bus

- Company (1933) Limited (Chinese version only) and the Administration's response
- LC Paper No. CB(1)469/13-14(01) - Letter from Dr Hon KWOK Ka-ki regarding the incident of a screw protruding from the road surface of Tuen Mun Highway
- LC Paper No. CB(1)482/13-14(01) - Letter from Hon Gary FAN Kwok-wai on the incident of a screw protruding from the road surface of Tuen Mun Highway
- LC Paper No. CB(1)483/13-14(01) - Letter from Hon Michael TIEN Puk-sun on the Tuen Mun Western Bypass Project
- LC Paper No. CB(1)598/13-14(01) - Letter from Hon Gary FAN Kwok-wai on the proposal to conduct an overseas duty visit to study the experience of providing public transport services)

Members noted the above papers issued since the last meeting.

2. The Chairman drew members' attention on the Deputy Chairman's proposal to conduct an overseas duty visit to study the experience of Singapore or other countries in providing public transport services. Due to insufficient time for discussion of the proposal, the Chairman proposed and members agreed that the Research Office of the Legislative Council Secretariat should be invited to prepare a paper on the subject for further consideration by the Panel.

Research
Office

II Items for discussion at the next meeting on 17 January 2014

- (LC Paper No. CB(1)543/13-14(01) - List of outstanding items for discussion
- LC Paper No. CB(1)543/13-14(02) - List of follow-up actions)

3. Members noted that the Secretary for Transport and Housing would brief members on the transport policy initiatives featuring in the Chief Executive's 2014 Policy Address at the next regular meeting of the Panel on Transport ("the Panel") to be held on 17 January 2014. Members also agreed to discuss "Proposed revision to fees and charges relating to road traffic" at the same meeting.

Admin

4. Mr WONG Kwok-hing requested to discuss the matter regarding the issues raised in the submission on MTR Corporation Limited's withdrawal of the 10-cent Octopus passenger contribution for retrofitting of platform screen doors (LC Paper No. CB(1)367/13-14(01)). He also raised concern over the traffic obstruction problem caused by illegal parking of some advertising vehicles for commercial activities. The Chairman proposed and members agreed that the Administration should first be invited to provide written response on the matter.

5. Mr TANG Ka-piu referred to item 16 of the list of outstanding items for discussion on the "Transport arrangements for cross-boundary students" and urged that the matter should be discussed as soon as possible with a view to easing the pressure of educating pupils from over the border on the North District. He also requested that items 13 and 18 on "Review of the operation of public light buses ("PLB")" and "Measures to facilitate inclusion of PLB in the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities" respectively should be discussed as soon as possible to address the public's concern and need. The Chairman agreed to convey Mr TANG's concerns to the Administration.

III Vehicles and Drivers Licensing Integrated Data System IV Infrastructure Enhancement Project

(LC Paper No. CB(1)543/13-14(03) - Administration's paper on the Vehicles and Drivers Licensing Integrated Data System Infrastructure Enhancement Project of the Transport Department

LC Paper No. CB(1)543/13-14(04) - Paper on Vehicles and Drivers Licensing Integrated Data System IV prepared by the Legislative Council Secretariat (background brief))

6. At the invitation of the Chairman, Under Secretary for Transport and Housing ("USTH") briefed members on the Administration's proposal to enhance the infrastructure of the Vehicles and Drivers Licensing Integrated Data System ("VALID System") IV of the Transport Department ("TD") for meeting the operational needs by extending the service life of the System and enhancing its performance at an estimated cost of \$71,284,000. Members noted that the Administration's funding proposal would be submitted to the Finance Committee ("FC") for consideration in early 2014.

7. Mr WONG Kwok-hing noted that the Audit Commission ("Audit") had conducted a review of TD's planning, monitoring and implementation of the VALID System IV project and criticized that substantial additional manpower resources were invested into the project. He asked if the Administration had acted in accordance with Audit's recommendations and whether it had consulted the Office of the Government Chief Information Officer ("OGCIO") as regards the Administration's current proposal. Mr WONG also pointed out that there had been concern over the failure of TD to update efficiently the correspondence address of licence holders after receipt of notification of change of address. As a result, some penalty tickets or court summonses could not be delivered timely to the licence holders. He asked whether the system enhancement would address the said problem.

8. USTH said that the proposed enhancement to the VALID System IV had already taken into account the recommendations made by the Audit in its Report tabled in the Legislative Council in April 2010. He added that OGCIO was supportive of the Administration's proposal to enhance the VALID System IV.

9. Assistant Commissioner/Adm & Licensing of TD ("AC/A&L") supplemented that the scale of the current enhancement project was far smaller than that of the last exercise which sought to replace the old VALID System III with a new one. In the light of the experience of introducing the VALID System IV, TD would allow sufficient time for the tendering work in the project implementation plan.

10. AC/A&L further said that since the VALID System IV was a computerized system, it would automatically update information of a licence holder including his corresponding information in other licensing records in the system when processing his application. TD noted that there had been individual cases where a driving licence holder had notified TD of the change of address but subsequently he submitted another licence

related application but using his old address. Due to the updating sequence of the VALID System IV, his address was updated back to the old address. As a result, reminders of payment advice had been delivered to his old address since then.

11. Mr TANG Ka-piu asked whether there was any leak of privacy data by the System in the past five years and whether the enhanced system would be able to record more data of licence holders. He also asked how the system enhancement would strengthen the law enforcement and communication with the Police.

12. AC/A&L replied that the security level of the VALID System IV was very high and its design had strictly followed the Information Technology Security Guidelines issued by OGCIO. The System did not have any direct interface with the public. He confirmed that there had been no leak of personal data from the VALID System IV in the past. He added that the System would only record the relevant data of drivers and vehicles required for provision of service such as issuance of licences. The System had already provided support to the Police in law enforcement, such as the issuance of penalty tickets.

13. While expressing appreciation of the Administration for the prudent use of public money by enhancing the infrastructure of the VALID System IV instead of replacing the System with a new one, Mr Jeffrey LAM expressed concern on the expected service life of the enhanced VALID System IV. Noting from the Administration's paper that the system enhancement was expected to cope with future demands, Mr LAM asked for details of the future demands.

14. USTH replied that the current infrastructure design of the VALID System IV was a component-based architecture with an open framework. The Administration expected that with the enhanced infrastructure, the service life of the VALID System IV could be extended by about ten years after 2017. He explained that since the Administration only proposed to replace the ageing hardware and software with updated ones, the cost of which would be far lower than that of replacing the whole system. As such, the Administration considered the current proposal more cost effective. He added that the Administration would review annually the demands for the System in the future five years and arrange small-scale updating as appropriate. USTH added that with the enhancement work, the capacity of the VALID System IV would be doubled.

15. Mr Frankie YICK pointed out that under the existing arrangement, penalty tickets for traffic offences would be issued to drivers direct without notifying the vehicle owners concerned. Some taxi owners had reflected that it would cause delay in claiming insurance. He asked about the Administration's stance on the request for notifying vehicle owners as well while issuing penalty tickets to drivers. He also hoped that the System could be enhanced such that reminders would be sent to drivers on renewal of vehicle licences prior to the expiry date. Mr YICK also expressed concern that the system enhancement would entail a net increase in recurrent expenditure of \$9,139,000 per annum from 2018-2019 onwards and asked whether additional manpower would be required for operation of the enhanced VALID System IV. Mr WU-Chi-wai shared the same concern on the increased recurrent expenditure.

16. AC/A&L said that there were two major types of traffic offences. One of them involved moving vehicles such as speeding and dangerous driving, and the drivers concerned would be held responsible for the offences. The other type involved non-moving vehicles such as illegal parking in which the vehicle owners would be held responsible. He said that the Administration would study the suggestion of notifying the owners of commercial vehicles about the traffic offences committed by drivers while having regard to the privacy considerations.

17. Regarding the suggestion of reminding licence holders on licence renewal, AC/A&L advised that members of the public who were registered users of MyGovHK would be reminded by the system on renewal of vehicle licences prior to the expiry dates. In response to Mr YICK's concern on the low public awareness of such service, AC/A&L agreed to consider strengthening the publicity of this service.

18. As regards the recurrent expenditure, AC/A&L explained that the existing maintenance contract was signed ten years ago in 2003. While estimating the amount of recurrent expenditure, the Administration had taken into account the factor of inflation and the prevailing market prices. He stressed that the relevant cost was just an estimate and the actual cost would depend on the tenders received. He also confirmed that no additional manpower would be required for operation of the VALID System IV after its enhancement.

19. Mr WU-Chi-wai considered that with the advanced technology, the expected increase in capacity of the enhanced VALID System IV by double was not significant given the estimated cost. He asked about the

maximum capacity that could be increased and whether the increased capacity could help provide better service to the public.

20. AC/A&L advised that the enhanced System would be able to process 9 million licensing transactions per year. In the past ten years, the number of licensing transactions processed had been increased by only about 20%, i.e. from 2.3 million in 2002 to 2.8 million in 2012. As such, he was confident that the enhanced system would be able to cope with the demand in the future ten years.

21. Ir Dr LO Wai-kwok indicated support for the Administration's proposal. He considered that the above-mentioned reminders on renewal of vehicle/driving licences should be sent through short telephone message and the Administration should minimize the disruption of public service while carrying out the enhancement work. He asked about the locations of the servers for the System and whether there were back-ups of the data.

22. AC/A&L agreed to consider Ir Dr LO's suggestion of sending reminders through short telephone message. He pointed out that as the matter was not relevant to the current system enhancement project, it should be considered separately. AC/A&L added that the data centre of the existing VALID System IV was located in Shatin. While implementing the system enhancement project, the obsolete computer and facilities currently located in the data centre would be removed to make space for the new ones. As such, no additional space would be required for the enhancement work. He further said that the Administration had arranged data back-up and the servers concerned were set up in Fanling.

23. The Chairman considered that TD, in collaboration with OCGIO, should study how electronic service could be enhanced by providing a more user-friendly system to facilitate updating of personal particulars, applying for licence renewal and vehicle licences, and making payment via the Internet, etc. The Administration noted.

Concluding remarks

24. Summing up the discussion, the Chairman concluded that the Panel supported the Administration's submission of the funding proposal to FC for consideration.

IV Proposal to raise the mandatory requirement of using child restraint device in private cars

(LC Paper No. CB(1)543/13-14(05) - Administration's paper on proposal to raise the mandatory requirement of using child restraint device in private cars

LC Paper No. CB(1)543/13-14(06) - Paper on using child restraint device in private cars prepared by the Legislative Council Secretariat (background brief))

25. At the invitation of the Chairman, USTH briefed members on the Administration's proposal to further enhance the safety of child passengers in private cars by raising the mandatory requirement for using child restraint device ("CRD"). Members noted that the Administration proposed to adopt body height and age as the criteria in mandating the use of CRDs in both the front and rear seats of private cars.

General views

26. Mr Albert CHAN queried the urgency of implementing the proposed legislative amendment given the relatively small number of private car child passengers being killed or seriously injured in traffic accidents. On the contrary, he considered that priority should be given to equipping nanny vans with seat belt as they regularly carried child passengers. Sharing similar concern, the Deputy Chairman said that while he supported the Administration's legislative proposal, he considered that the same requirements should be imposed on school buses and nanny vans too.

27. USTH said that the Administration had reviewed the CRD requirements in private cars of 17 jurisdictions, all of them adopted a more stringent statutory requirement than that of Hong Kong. Although the casualty figures involving child passengers in private cars were relatively small, the Administration reckoned that there was room to further enhance the statutory requirement of CRDs in private cars for better protection of child passengers. He further said that as in overseas practice, school buses and nanny vans were not mandated to be equipped with seat belts in Hong Kong. Nonetheless, the use of safer seats and the provision of escort service could better protect child passengers.

Admin

28. At the request of Mr Albert CHAN, the Administration agreed to provide supplementary information which compared the number of child passengers killed or injured in traffic accidents involving private cars and other modes of transport, including school buses, nanny vans, and other public transport means in the past three years.

29. Dr KWOK Ka-ki said that while he believed that the majority of parents would agree with the Administration's legislative proposal to enhance the safety of child passengers, he was concerned over the financial burden which would be imposed on private car owners if the standards of CRDs were set too high, resulting in high cost of CRDs.

30. USTH said that the Administration would specify the basic safety standards of CRDs in the legislation. He believed that with the introduction of the new safety requirements, there would be more models of CRDs available in the market and the prices of CRDs might be lowered.

31. The Deputy Chairman and Mr Frankie YICK expressed concern over the application of the proposed legislative requirements on drivers who carried child passengers occasionally and during emergencies, and the penalty for violating the relevant requirements. The Deputy Chairman was of the view that up-to-standard CRDs should be readily available in the market when the new requirements came into force.

32. Deputy Commissioner/Planning & Technical Services of TD ("DC/P&TS") said that in view of the envisaged difficulties in law enforcement, the Administration would not consider exempting drivers occasionally carrying child passengers from the CRD requirements. Under the current legislation, failure to comply with the CRD requirements would be liable to a fine of \$2,000. USTH added that any prosecutions would take into account the individual circumstances leading to the violation. He said that in case of emergencies but no CRD was available in a private car, the use of other modes of transport could be an option.

33. Mr TANG Ka-piu asked about the schedule of implementing the proposed legislative amendment and how the relevant requirements would be enforced in private cars. USTH advised that the Administration planned to commence a survey and the drafting of the legislation in 2014. Subject to the public view and the process of law drafting, the legislative proposal would be tabled to the Legislative Council in the 2014-2015 legislative session. He further said that with its experience and professionalism, the Police should be capable of enforcing the law effectively after the new requirements came into effect.

34. Mr POON Siu-ping asked if the Administration had any plan to gauge the views of private car owners on the legislative proposal. DC/P&TS replied that the Administration tentatively planned to conduct interviews with private car owners at the licensing offices of TD over the four options with different height and age requirements.

The height and age thresholds

35. Noting that the Hong Kong College of Emergency Medicine ("HKCEM") supported raising the legal age threshold for the use of CRDs in private cars and proposed a threshold of between 8 to 10 years old, Dr KWOK Ka-ki asked whether the Administration would tend to adopt HKCEM's recommendation. He also requested that to facilitate consideration by members and the public on the four options of CRD requirements in the future consultation, the Administration should explain in detail its considerations in proposing each option, and compare their effectiveness and implications, for example, the effectiveness of reducing casualty rate of child passengers with respect to ergonomics.

36. USTH noted the request of Dr KWOK. He said that the four options were developed after taking into account overseas practices and the views of the medical community. At present, the Administration maintained an open mind on all the four proposed options.

37. Pointing out that some children were relatively short even though they had reached a certain age, Mr Paul TSE considered that adopting age as a criterion in mandating the use of CRDs in private cars might not be the most appropriate means in safeguarding those children. As such, he considered that body height alone should be adopted for the mandatory requirement.

38. USTH shared the view that body height would be a reasonable criterion in mandating the use of CRDs in private cars. He said that in fact, HKCEM had also advised that in principle, an adult seat belt could be used if a child was tall enough to sit without slouching, and able to keep his or her back against a vehicle seat with the knees naturally bent over the edge of the seat and feet flat on the floor. HKCEM had also pointed out that age was just a surrogate to represent body height and weight. However, the Administration noted that parents might not have a good grasp of the body height of their growing children. The adoption of both age and body height thresholds would facilitate parents in complying with the new requirements. He said that the Administration would listen to the views of the public in this regard.

Safety standards of CRDs

39. Mr WONG Kwok-hing indicated support for the Administration's legislative proposal to enhance safeguards for child passengers in private cars. However, he expressed concern over the result of a test recently carried out by the Consumer Council on child car seats. The test had revealed that among the 27 sample models of child car seats, about one-third of which had less satisfactory results for the frontal impact test. In addition, some samples were found to have substances which might be harmful to children. He asked whether labels would be attached on up-to-standard CRDs to facilitate selection by the public. Mr WONG was also concerned about the potential hazards to front-seat CRD users caused by the ejection of safety airbags during accidents and asked about the Administration's measures to solve the problem.

40. DC/P&TS and Assistant Commissioner/Technical Service of TD said that the standards and specifications for CRDs were set out in the current legislation under which all CRDs should meet the safety standards of the European Commission, the United States, Japan, Australia or New Zealand. The CRDs which complied with these standards would have relevant labels attached to them.

41. DC/P&TS further said that the Administration had studied the practice of 17 overseas jurisdictions and found that there was no restriction on placing child passengers in the front seat. The Administration was of the view that if child passengers were sitting in CRDs fitted in the front seats, parents should read carefully the manufacturer's instructions to ensure safety.

Admin

42. The Chairman advised that the Administration should provide written information about samples of labels on CRDs indicating compliance with relevant standards after the meeting. The Administration agreed.

Other views

43. Mr Paul TSE pointed out that under the existing legislation, three children aged 3 years or above but each not exceeding the height of 1.3 metres should be counted as two passengers. In the past, there had been some injuries in traffic accidents arising from such provisions. He called on the Administration to review the appropriateness of the relevant provisions.

44. DC/P&TS noted the concern of Mr TSE. He said that the "3 for 2" counting rule had been adopted by the United Kingdom, Ireland, Australia, the United States and Singapore. The practice in Hong Kong was similar to that of overseas countries.

V Any other business

45. There being no other business, the meeting ended at 11:30 am.

Council Business Division 1
Legislative Council Secretariat
20 February 2014