

立法會
Legislative Council

LC Paper No. LS120/20-21

**Further Report by Legal Service Division on
Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) Regulation 2021
Gazetted on 20 August 2021**

Members may recall that the Legal Service Division ("LSD") reported on the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2021 (L.N. 164) at the House Committee meeting on 27 August 2021 when the House Committee decided not to form a subcommittee to study L.N. 164. It was stated in our report (LC Paper No. LS111/20-21) that LSD was scrutinizing the legal and drafting aspects of, among others, L.N. 164 and would make a further report if necessary.

2. To recap, L.N. 164 is made by the Secretary for Transport and Housing under section 9 of the Road Traffic Ordinance (Cap. 374) to amend the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) by providing for, among others, the requirements in respect of the design, position and width etc. of an emergency window and an escape hatch on a light bus.

3. LSD has made certain enquiries on the legal aspect of L.N. 164 with the Administration. Copies of LSD's letter dated 1 September 2021 and the Administration's reply dated 9 September 2021 are at **Annex**. LSD's enquiries and the Administration's response are summarized in the ensuing paragraphs.

Requirements applicable to emergency window and escape hatch

4. LSD has invited the Administration to elaborate on the meaning of the undefined term "readily-breakable safety glass" of which an emergency window on a light bus must be made under the new regulation 67B(1)(a)(i) of Cap. 374A added by L.N. 164. In response, the Administration has explained that the type and standard of safety glass approved by the Commissioner for Transport ("Commissioner") for use in a motor vehicle are specified under the Specification of Safety Glass Notice (Cap. 374H) published under regulation 28(3) of Cap. 374A, and that the Transport Department ("TD") would also ensure compliance with these requirements when carrying out vehicle examination under section 81 of Cap. 374.

5. Under the new regulations 67B(1)(a)(ii) and 67C(1)(a) of Cap. 374A added by L.N. 164, the Commissioner must be satisfied, among others, that an emergency window and an escape hatch are easy and instantaneous to open from the inside of a light bus by a device located in a prominent position. Upon LSD's enquiry on how the Commissioner will be satisfied that these requirements are met, the Administration has explained that TD would make a reasonable judgment during vehicle examination having regard to the ease of escape and the required safe egress time for passengers to get out of the light bus through the driver's door, an emergency window, an escape hatch and/or an emergency door.

6. With regard to the new regulation 67C(4) of Cap. 374A added by L.N. 164, LSD has invited the Administration to consider whether it is necessary to provide in Cap. 374A and/or L.N. 164 detailed requirements relating to indication of the means of operation of an escape hatch in a light bus (such as the size and language of the requisite instructions, whether any picture showing the operation is required and whether such indication should also cater for blind or visually impaired passengers). In response, the Administration has explained that:

- (a) while the indication could be in diagram and/or words (in both Chinese and English), in order to preserve flexibility in the design of a light bus, it is considered unnecessary to set out such detailed requirements in the legislation; and
- (b) following the same practice adopted for other types of vehicles, the escape hatch is not required to be indicated in Braille for the blind or visually impaired passengers who are expected to be evacuated with the help of other passengers or a rescue team.

7. Subject to Members' views on the above matters, no legal and drafting difficulties have been identified in relation to L.N. 164.

Encl

Prepared by

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Assistant Legal Adviser
Legislative Council Secretariat
10 September 2021



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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1 September 2021

Ms Jerry Ji
Prin AS for Transp & Housing (Transp)1
Transport and Housing Bureau
21/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Ms Ji,

**Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) Regulation 2021 (L.N. 164 of 2021)**

We are scrutinizing the captioned legal notice with a view to advising Members on its legal and drafting aspects. To facilitate Members' consideration of the legal notice, we should be grateful if you could clarify the matters set out below.

Requirements applicable to emergency window

2. Please consider whether it is necessary for L.N. 164 and the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A):

- (a) to elaborate on the meaning of "readily-breakable safety glass" for the purposes of regulation 67B(1)(a)(i) of Cap. 374A added by section 5 of L.N. 164 (as the term is not currently defined in Cap. 374A or L.N. 164), including its industrial standard (if any); and
- (b) to clarify how the Commissioner for Transport ("Commissioner") will be satisfied that an emergency window is sufficiently easy and instantaneous to open from the inside, and the device for opening the

window is located at a sufficiently prominent position within the meaning/for the purposes of regulation 67B(1)(a)(ii).

Requirements applicable to escape hatch

3. Please consider whether it is necessary for L.N. 164 and Cap. 374A to provide expressly how the Commissioner will be satisfied that an escape hatch is sufficiently easy and instantaneous to open from the inside, and the device for opening the hatch is located at a sufficiently prominent position within the meaning/for the purposes of section 67C(1)(a) of Cap. 374A added by section 5 of L.N. 164.

4. Please consider whether it is necessary for L.N. 164 and Cap. 374A to provide expressly for the following matters in relation to regulation 67C(4) of Cap. 374A added by section 5 of L.N. 164:

- (a) the size of the requisite instructions or diagram etc. by which the means of an escape hatch's operation must be clearly indicated;
- (b) whether the indication has to be stated in both the Chinese and English languages;
- (c) whether a picture showing the steps on how the hatch operates is required; and
- (d) whether the indication is also required to cater for the needs of disabled passengers (such as Braille for the blind or visually impaired).

5. We would appreciate it if you would let us have the Administration's response in bilingual form as soon as practicable.

Yours sincerely,



(Evelyn LEE)

Assistant Legal Adviser

c.c. Department of Justice
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9 September 2021

Ms Evelyn LEE
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms LEE,

**Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) Regulation 2021 (L.N. 164 of 2021)**

Thank you for your letter of 1 September 2021 on the captioned legal notice.
Our reply is set out below.

Requirements applicable to emergency window and escape hatch (paragraphs 2(a),
2(b) and 3 of your letter)

2. Regulation 28 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) stipulates the requirements of safety glass or safety glazing used in motor vehicle. Pursuant to regulation 28(3) of Cap 374A, the Commissioner for Transport (“Commissioner”) has published the Specification of Safety Glass Notice (Cap. 374H) (“Notice”). The Notice specifies the type and standard of safety glass or safety glazing approved by the Commissioner for use in motor vehicle. Transport Department (“TD”) would ensure compliance with relevant statutory standards on safety glass when carrying out vehicle examination under section 81 of the Road Traffic Ordinance (Cap. 374).

3. On the issue of whether an emergency window or escape hatch is sufficiently easy and instantaneous to open from inside, and the device for opening the window is located at a sufficiently prominent position, similar to the approach adopted for assessing the glass material of emergency window, TD would make a reasonable judgment during vehicle examination having regard to the ease of escape and the required safe egress time for passengers to get out of the vehicle, on the premise that the level of safety and the required safe egress time by using driver's door together with emergency window and escape hatch as the means of escape should be similar to that of using an emergency door in a light bus.

Indication of escape hatch/ means of operation of escape hatch (paragraph 4 of your letter)

4. As regards the requirements relating to indication of escape hatch and means of operation of the hatch, when carrying out vehicle examination, TD would check whether the indication is clear and easily understood by the general public in accordance with the same practice adopted for other types of vehicles. For instance, the indication could be either in the form of diagrams and/or words. For indication given in words, it should be stated in both Chinese and English languages. In order to preserve flexibility in the design of vehicle (including the method(s) of indicating escape hatch and means of operating the hatch) and to cater for different circumstances, it is considered unnecessary to set out the detailed requirements in respect of indication of escape hatch as well as means of operating the hatch in the legislation.

5. In case of emergency evacuation, it is expected that disabled passengers (e.g. the blind or visually impaired) would be evacuated with the help of other passengers or rescue team instead of leaving the vehicle on their own. Therefore, following the same practice adopted for other types of vehicle, indication of escape hatch and means of operating the hatch in Braille form is not required in the legislation. The updated information on the means of emergency escape on public light bus ("PLB") will be sent to the Disabled Groups and uploaded to TD's website for their information.

6. All relevant provisions cited above are extracted at **Annex** for your reference. Upon the commencement of the amendment regulation, TD will keep track of the

PLB trade and the passengers' feedback regarding the new requirements, and will issue relevant technical guidelines to facilitate their interpretation where necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ms. Jerry Ji', written in a cursive style.

(Ms Jerry Ji)

for Secretary for Transport and Housing

28. Safety glass or safety glazing

- (1) The glass or transparent material used in all windscreens, windows and partitions of a motor vehicle shall be safety glass or safety glazing—
 - (a) of a type approved by the Commissioner;
 - (b) of such transparency that it does not obscure the view of the interior of the motor vehicle; and
 - (c) where practicable, clearly identifiable as safety glass or safety glazing by a permanent mark inscribed thereon.
- (2) No alteration or addition shall be made to any windscreen, window or partition referred to in paragraph (1) whereby the reflecting effect of the safety glass or safety glazing is increased, or whereby the ability of such safety glass or safety glazing to transmit light is decreased. (*L.N. 203 of 1990*)
- (3) The Commissioner shall by notice in the Gazette specify the type of safety glass or safety glazing approved by him for the purposes of paragraph (1)(a).

SPECIFICATION OF SAFETY GLASS NOTICE

(Road Traffic (Construction and Maintenance of Vehicles)
Regulations, regulation-28)

[15 January 1988]

1. Citation

This notice may be cited as the Specification of Safety Glass Notice.

2. Interpretation

In this notice—

“hard safety plastic” (硬質安全塑膠) means inflexible safety plastic of not less than 6 mm in thickness;

“safety plastic” (安全塑膠) means flexible or hard safety glazing material predominantly synthetic organic in character, including laminated products and single sheets, so constructed, treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing material when it may be cracked or broken;

“wired safety glass” (鐵絲網安全玻璃) means a single sheet of glass with a layer of meshed wire completely imbedded in the glass but not necessarily in the centre of the sheet.

3. Approval of glass or transparent materials

The types of glass and transparent material specified in paragraph 4 are approved for the purposes of regulation 28(1)(a).

4. Specification of safety glass

- (1) Subject to sub-paragraphs (2) and (3) the glass or transparent material used in all windscreens, windows and partitions of a motor vehicle shall be safety glass or safety glazing that—
 - (a) complies with British Standard Specification BS 857 with amendments up to AMD 3548 dated 15 February 1981;
 - (b) complies with British Standard Specification BS 5282;
 - (c) complies with British Standard Specification BS AU 178;
 - (d) complies with Economic Commission of Europe Regulation ECE 43; or
 - (e) is hard safety plastic.
- (2) The glass or transparent material used in the rear cabin window of a motor vehicle used to carry dangerous goods within the meaning of the Dangerous Goods Ordinance (Cap. 295) shall be wired safety glass.
- (3) The glass or transparent material used in the rear window in any removable canopy to the driver or passenger accommodation of a motor vehicle may be safety plastic.

81. Powers of vehicle examiner on examination of vehicle

In carrying out an examination of a vehicle for the purposes of any of the provisions of this Part a vehicle examiner may carry out or cause to be carried out such inspection, examination or test of the vehicle, any part of the vehicle, any accessory affixed to the vehicle or any equipment or part of the equipment of the vehicle as he thinks fit and may weigh the vehicle or any load on the vehicle.

(Amended 90 of 1993 s. 5)