

**For discussion
on 15 July 2022**

**Legislative Council Panel on Transport
Legislative Proposals for Enhancing Road Safety**

Purpose

This paper aims to seek Members' views on four legislative amendment proposals relating to road safety.

Background

2. The Government attaches great importance to road safety and endeavours to ensure the safety of road users by adopting a multi-pronged strategy, through the application of new technology, improvements to transport facilities and traffic management, legislation and stepping up enforcement, as well as publicity and education, etc. The Transport Department ("TD") has been closely monitoring the trends of traffic accident statistics and analysing the relevant data. Reference is also made to practices and experiences in places outside Hong Kong from time to time, with a view to formulating and implementing appropriate road safety strategies and measures, including legislative amendments.

3. Having considered the overall situation of traffic accidents in recent years and the possible regulatory directions, and after a detailed review of the relevant legislation and making reference to the practices in other places, we propose the following four legislative amendments to further enhance the protection for road users –

- (I) tightening the use of mobile communication devices (“MCDs”) by drivers while driving;
- (II) tightening the requirement for using child restraining devices (“CRDs”) on child passengers in private cars;
- (III) extending the existing statutory requirements for the mandatory fitting and wearing of seat belts on private cars, taxis and public light buses (“PLBs”) to other classes and seats of vehicles; and
- (IV) mandating the wearing of helmets by cyclists, drivers and passengers of motor tricycles, and passengers on side cars of motor cycles.

(I) Tightening the use of MCDs by drivers while driving

4. The Road Traffic Ordinance (Cap. 374) stipulates stringent provisions on “dangerous driving” and “careless driving”. A driver, while driving, using an MCD in such a way that affects his/her driving may have committed the “dangerous driving” or “careless driving” offence irrespective of whether his/her driving has caused a traffic accident. The court may impose a maximum fine of \$50,000 and imprisonment for 10 years. The Road Traffic (Traffic Control) Regulations (Cap. 374G) also prohibits a driver from using a mobile telephone while holding it in his/her hand or between his/her head and shoulder, or using any other telecommunications equipment and its accessory while holding it in his/her hand when the vehicle is in motion. The Hong Kong Police Force (“the Police”) may issue a fixed penalty notice (“FPN”) of \$450 to the driver who has committed the offence in accordance with the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). Serious cases may be referred to the court which may impose a maximum fine of \$2,000 in accordance with Cap. 374G.

Justifications for legislation

5. We notice that in recent years some drivers placed several MCDs on their dashboards, which has aroused widespread public concern about the adverse impact to road safety. We understand that some drivers (including members of the public and the transport trades) have practical needs for obtaining information with MCDs on navigation, real-time traffic conditions and parking vacancy, etc. Nevertheless, we consider it necessary to strike a right balance and further regulate the use of MCDs by drivers while driving.

6. During the period from May to June 2022, TD consulted different trades and stakeholders, including the vehicles and public transport trades, logistics and transport sector, medical institution, taxi and commercial vehicle hailing services operators, mobile application developers, etc., on whether the regulation on the placement and use of MCDs by drivers while driving should be strengthened. They generally supported legislating to tighten the regulation on the use of MCDs while driving. A majority of them expressed that a maximum of two MCDs could be allowed on dashboards and suggested that only voice control of the MCDs without touching should be allowed while driving.

Legislative proposal

7. After balancing various considerations including road safety, practical circumstances, needs of the trades, and development of technology as well as making reference to the practices of other places (see **Annex 1** for details), we propose amending Cap. 374G to strengthen the regulation on the use of MCDs by drivers while driving. We propose following the approach set out in the table below. Taking into account the feasibility of law enforcement as well as the views of the stakeholders, we will work out the details of regulation, including whether drivers should be barred from touching the MCDs while the vehicles are in motion.

MCD	Proposed regulation
1. Quantity	Not more than two devices
2. Size	Diagonal length of display not exceeding 18 cm (about 7 inches)
3. Position to be placed	Any MCD, that is placed at any point in front of the driver's seat so that the screen thereof is, whether directly or in any reflection, visible to the driver whilst he/she is in the driving seat, is subject to regulation. The MCD must not affect or obstruct driving sightline.

8. Regarding the penalties for non-compliance, we propose adopting the same penalties applicable to drivers who violate the regulations regarding the holding of mobile communication equipment in driver's hand while driving, in that the Police may issue an FPN of \$450; while for serious cases, they may be referred to the court which may impose a maximum fine of \$2,000.

(II) Tightening the requirement for using CRD on child passengers in private cars

9. The Road Traffic (Safety Equipment) Regulations (Cap. 374F) stipulates the requirements for using CRD on child passengers in private cars. The existing law requires that, under certain circumstances, an approved CRD must be used on a child aged 2 or less (see **Annex 2** for details). Besides, we recommend in the Road Users' Code that children aged 3 or above should use CRDs for better protection.

Justifications for legislation

10. CRDs provide effective protection for young passengers in case of traffic accidents. While fortunately in recent years, the annual number of killed or seriously injured child passengers in private cars has remained

at zero to single digit¹, protecting the safety of children is still of paramount importance. According to the studies of other places², the use of CRD can reduce the risks of child passengers being killed or seriously injured in head-on collisions by around 70%. We therefore consider that there is room for further tightening the statutory requirements for using CRD in private cars.

11. From time to time, TD collects the views of the Department of Health, local medical profession, and private car owners. They generally supported tightening the requirements for using CRDs.

12. We have also made reference to the practices of other places and the benchmarks recommended by relevant institutions (see **Annex 2** for details). Overall speaking, body height or age is the common determining factor as to whether a child should use a CRD. If a child is tall enough to sit without slouching, and is able to keep his/her back against a vehicle seat with the knees naturally bent over the edge of the seat and feet flat on the floor, in principle, an adult seat belt can be used.

Legislative proposals

13. We propose following the current provision in Cap. 374F vis-à-vis using age as benchmark. Irrespective of sitting in the front or rear seats, child passengers aged 7 or less must use CRDs in private cars, unless they reach a body height of 1.35 m, while passengers aged 8 or more or over 1.35m tall must wear a normal seat belt or use a CRD.

14. As for the penalties for breaching the requirement, we propose adopting the same penalty for the existing requirements. The Police may

¹ There is a decreasing trend in the number of casualties among child passengers of private cars aged 7 or below in traffic accidents between 2017 and 2021, with the number of killed and seriously injured ranging from 0 to 6.

² We have made reference to the studies in the United States (“US”) and Canada on the use of CRDs, in which the effectiveness of CRDs in protecting the users was studied.

issue an FPN of \$230 to the driver; while serious cases may be referred to the court which could impose a maximum fine at Level 1 (i.e. \$2,000).

15. We understand that, under some unique circumstances, a driver may not be able to ensure the compliance of child passenger(s) with the requirement. For instance, a private car driver, who is not the parent nor guardian of the child passenger, may not be able to ascertain the age or body height of the child passenger, or in cases of emergency, such as carrying a child for emergency treatment, the driver may not have time to arrange a CRD for use by the child passenger. Hence, we propose including the following two statutory defences –

- (i) the driver has reasonable grounds to believe that the child passenger has reached the age of 8 or a body height of 1.35m; or
- (ii) the driver is driving the child passenger in an emergency.

16. We also propose updating the prescribed specifications and standards for CRDs in Schedule 2 to Cap. 374F³, including incorporating those of the Mainland.

(III) Extending the existing statutory requirements for the mandatory fitting and wearing of seat belts on private cars, taxis and PLBs to cover other classes and seats of vehicles

17. The existing requirements for compulsory fitting and wearing of seat belts set out in Cap. 374F cover the driver and all passenger seats⁴ of private cars, taxis and PLBs, the driver and front passenger seats of private light buses (“PrLBs”) and goods vehicles (“GVs”), and the driver

³ Schedule 2 of Cap 374F currently sets out the specifications and standards for CRDs in the United Kingdom (“UK”), the European Union (“EU”), the US, Australia, New Zealand and Japan.

⁴ Including front and rear seats.

seats of buses (see **Annex 3** for details), but not all classes and seats of vehicles.

18. Extending the requirements for fitting and wearing of seat belts to cover all classes of vehicles is a global trend in road safety regulation. We notice that fitting of seat belts to all passenger seats of light buses/long-haul buses is required in some places, such as the United Kingdom (“UK”), Australia and New Zealand. All passenger seats in GVs are required to be fitted with seat belts in Canada, the European Union (“EU”) and Singapore. Passengers of the above classes of vehicles must wear seat belts if fitted.

Justifications for legislation

19. Wearing seat belts can provide protection to passengers, especially young students, in the event of a traffic accident. For example, in June 2021, a school bus with around 50 young students veered off the road into the cycle track adjacent to Tai Chung Kiu Road from the junction of Tai Chung Kiu Road / Sha Tin Road / Fo Tan Road. All the 24 injured children, who wore seat belts in the bus, only suffered from slight injuries, indicating that wearing seat belts provides a certain degree of protection to the students.

20. Studies of other places⁵ showed that the use of seat belts by drivers and passengers can reduce the chance of being killed and seriously injured in head-on-collisions by about 40% and 70% respectively. Locally, upon implementing the seat belt legislation for certain classes of vehicles (e.g. private cars and PLBs), the number of casualties of drivers and passengers of the relevant vehicles in traffic accidents dropped significantly. For instance, after the commencement of the seat belt legislation for PLBs in August 2004, the number of related casualties

⁵ We have made reference to the studies in different places such as the EU, the US, Australia, etc. on the effectiveness of seat belts in protecting the users.

dropped by 11% while the number of killed and seriously injured dropped by 15% in 2005. Since then, the figures have shown a slightly downward trend in general.

21. For the seats of vehicles that are currently not required for installing seat belts under the law, after consulting the trades, TD has since 2021 adopted administrative measures – requirements are imposed via the Vehicle Type Approval⁶ for the installation of seat belts on the driver seats and/or passenger seats in PrLB (including school PrLBs, rehabilitation PrLBs, etc.), GVs, non-franchised public buses⁷, private buses (including non-franchised buses such as school buses and rehabilitation buses, etc.) as well as special purpose vehicles (“SPVs”). TD also stipulates that these vehicles, if they are first registered after a specified date in 2022, must comply with the requirements to install seat belts⁸.

⁶ The purpose of Vehicle Type Approval is to approve a sample vehicle the specifications, design and construction of which will serve as the reference of all new vehicles of the identical make and model imported for sale by an authorised agent or distributor. Only the first of a new make and model of the vehicle imported for sale by the authorised agent or distributor is required to be type-approved. A sample vehicle shall be presented for an examination to confirm the compliance with relevant requirements and provisions. A Type Approval Certificate will be issued if the vehicle passes the examination.

⁷ As for franchised public buses, all new franchised buses (“FB”) procured from July 2018 have been equipped with seat belts on all seats. FB operators are arranging for the fitting of seat belts to all seats on the upper deck of around 1 900 existing buses. The exercise has commenced since the third quarter of 2020, and is targeted for completion in three years.

⁸

Class of vehicle	Effective date of vehicle first registration
PrLB	From 1 July 2022 onwards
GV and SPV	From 1 April 2022 onwards
Public bus (non-franchised only) and private bus	From 1 July 2022 onwards

22. Besides, imposing the requirements for fitting and wearing seat belts in student service vehicles⁹ (“SSVs”) not only helps protect the safety of students in accidents, but also fosters a habit of wearing seat belts from an early age and raises students’ awareness of road safety.

23. In June 2022, TD consulted different trades and stakeholders, including the vehicles and public transport trades, logistics and transport sector, medical institution, and disability groups, etc., on the compulsory requirements for fitting and wearing seat belts. They generally supported the legislative proposals.

Legislative proposals

24. We propose amending Cap. 374F to extend the compulsory requirement for fitting of seat belts to cover the **newly registered** vehicles including rear passenger seats of PrLBs and GVs, all passenger seats of public and private buses, and the driver and passenger seats of SPVs, and to require that **seat belts must be worn if fitted**.

25. Regarding the liability for non-compliance with the seat belt requirement, we propose that, with reference to the current statutory requirements for drivers and front seat passengers of GVs, rear seat passengers of GVs, and drivers and all passengers of SPVs will be responsible for ensuring wearing the seat belts in their seats, while drivers of GVs and SPVs will also be obliged to ensure the compliance of passengers aged under 15. Having considered the difficulty of drivers of PrLB/bus in ensuring the compliance of passengers with such requirement throughout the entire journey, we propose that, with reference to the existing law for rear seat passengers of PLBs, the liability shall fall on rear seat passengers of PrLBs and all passengers of buses **themselves** to ensure

⁹ Student service vehicles refer to public buses, private buses and school private light buses providing student service.

wearing of seat belts in their seats. A summary of the proposed liabilities is provided in the table below.

Class of vehicle	Proposed liabilities of wearing seat belts		
	Driver Seat	Front Passenger Seat	Rear Passenger Seat
PrLBs	<i>Already prescribed by the law (see Annex 3)</i>	<i>Already prescribed by the law (see Annex 3)</i>	Passenger is liable
GVs			Passenger is liable. Driver is also liable for passenger aged under 15 not wearing a seat belt
Bus		Passenger is liable	
SPVs	Driver is liable	Passenger is liable. Driver is also liable for passenger aged under 15 not wearing a seat belt	

26. Besides, in order to further enhance the protection for student passengers, and taking into account the demand and supply of SSVs and the time needed by the trade to prepare for the new requirement, we propose empowering the Secretary for Transport and Logistics by legislation to appoint a date requiring that **all (including both existing and newly registered)** SSVs, apart from complying with the existing requirements, must install seat belts in all passenger seats. Vehicles failing to meet the requirement cannot provide student services thereafter. Taking into account the vehicle age of the existing SSVs and the operation

of the trade, etc., we propose the effective date to be **1 January 2025**¹⁰. We will continue to liaise with the trades before implementation.

27. We also propose updating the prescribed specifications and standards¹¹ for approved seat belts in Schedule 2 to Cap. 374F, including incorporating those of the Mainland.

28. The penalties for contraventions are proposed to be on par with the current prescribed penalties. In case of contravention of the seatbelt installation requirement, the court may impose a maximum fine at Level 2 (i.e. \$5,000) and imprisonment for 3 months on the registered owner of the vehicle concerned. If a passenger fails to wear a seat belt, the court may impose a maximum fine at Level 2 (i.e. \$5,000) and imprisonment for 3 months on the passenger. On par with the current requirement imposed on the drivers of GVs, we propose that drivers of GVs and SPVs should be held liable for passengers under 15 years of age who do not wear seatbelt in the front or rear seats. The Police may issue an FPN of \$230 to the driver, and in serious cases, the court may impose a maximum fine at Level 1 (i.e. \$2,000). If a driver of an SPV fails to wear a seat belt, the Police may issue an FPN of \$320. Serious cases may be referred to the court which could impose a maximum fine at Level 2 (i.e. \$5,000) and imprisonment for 3 months.

¹⁰ As at December 2021, Hong Kong has 2,115 school PrLBs with a passenger services license (“PSL”) to provide student services. It is projected there will be less than 200 existing school PrLBs being unable to meet the requirement to install seat belts by 1 January 2025, and these operators may apply for other PSLs to provide non-student services. Nevertheless, in consultation with the trades and stakeholders, some trade members had reservations over the effective date of 1 January 2025, considering it more appropriate for older buses to retire as they become obsolete.

¹¹ Schedule 2 of Cap 374F currently sets out the specifications and standards for seat belts in the UK, the EU, the US, Australia, New Zealand and Japan.

(IV) Mandating the wearing of helmets for cyclists, drivers and passengers of motor tricycles, as well as passengers seated in the side car of motor cycles

29. Cap. 374F currently requires drivers and pillion passengers of motor cycles to wear protective helmets (hereinafter referred to as “motor cycle helmets”). However, the statutory requirement for wearing helmets does not apply to –

- (a) riders of bicycles, tricycles or multi-cycles¹² and passengers of multi-cycles; and
- (b) drivers and passengers of motor tricycles, as well as passengers seated in the side cars of motor cycles.

Justifications for legislation

30. From 2020 onwards, the number of accidents involving bicycles has increased across all age groups. Particularly, there has been a rise in fatalities and serious injuries. The instances and severity of accidents happening on carriageways are on par with other locations (including cycle tracks, cycle parks, playgrounds, open spaces, etc.). The Police has conducted a thematic study focusing on fatalities and serious injuries arising from bicycle accidents in 2020, involving 446 killed and seriously injured victims. Nearly 90% of these victims were not wearing helmets. The main reason for accidents was loss of control of bicycles. Also, according to a local study¹³, cycling is associated with a greater risk of traumatic brain injury than other sports activities. As indicated by

¹² Current legislation restricts the use of multi-cycles in designated cycle tracks.

¹³ We made reference to a local medical research paper studying sports related injuries. The study analysed 426 hospitalised cyclists at public hospitals between 2015 and 2019 and indicated that cycling presents a greater risk of traumatic brain injury (“TBI”), and that wearing helmet could reduce the risk of TBI.

studies of other places¹⁴, helmets could provide effective protection for cyclists, as well as the drivers and passengers of motor cycles, and could reduce the chance of head injury in traffic accidents by about 50% and 70% respectively.

31. In the second quarter of 2022, TD consulted different trades and stakeholders, including cycling association, motoring associations, driving schools, share bike operator, logistics and transport sector, medical institution, and food delivery service operators, etc., on whether to mandate the wearing of bicycle and motor cycle helmets. They generally supported the concerned legislative proposal. They also considered it acceptable to follow the existing practice of publishing the standards for bicycle helmets via the TD's website, which facilitates timely update of the standards. While a few considered that the mandatory requirement of wearing bicycle helmets may discourage cycling activities and the requirement should only be imposed on cycling on carriageways but not cycle tracks and should not be applicable to multi-cycles, we recommend that, taking into account the upsurge of the number of accidents on cycle tracks and the severity which are similar to other locations, as well as the effective protection to cyclists by bicycle helmets, the wearing of helmets should be made compulsory across all age groups, carriageways and cycle tracks, etc., as well as all types of pedal vehicles (including bicycles, tricycles, and multi-cycles). For special cycling events or performances, in which wearing of bicycle helmet is not appropriate, we will work out the associated exemption arrangement.

Legislative proposals

32. Upon consideration of road safety, the views of the relevant sectors and stakeholders, and making reference to practices of other places

¹⁴ We have made reference to the studies in different places such as the Mainland, the US, Australia and Spain, etc., on the effectiveness of bicycle and motor cycle helmets in protecting the users.

(see **Annex 4** for details), we propose amending Cap. 374F to make helmet wearing mandatory for all riders of bicycles, tricycles and multi-cycles, and passengers of multi-cycles; drivers and passengers of motor tricycles, and passengers seated in the side cars of motor cycles. As for the specifications of helmets, we propose to publish and update the standards of bicycle helmets for bicycles, tricycles and multi-cycles through the TD’s “Cycling Information Centre” website. The prescribed standards of motor cycle helmets in Schedule 1 of Cap. 374F shall apply to side cars of motor cycles and motor tricycles. We also propose authorising the Commissioner for Transport (“the Commissioner”) to update Schedule 1 of Cap. 374F by notice in the Gazette. The table below sets out the proposed requirements for helmet wearing. We will work out the details after considering the feasibility of enforcement and listening to the views of stakeholders.

Class of vehicle	Driver/riders/passenger	Proposed wearing requirements for helmets	
		Wearing Requirements	Liability
Bicycle	Rider	Mandatory	Rider be liable
Tricycle	Rider		
Multi-cycle	Rider	Mandatory	Rider be liable for himself and passenger
	Passenger		Passenger be liable
Motor cycle	Driver	<i>Already prescribed by the law. Please refer to Part (i) of Annex 4 for details.</i>	
	Pillion passenger		
Motor cycle with side car	Driver	<i>Already prescribed by the law. Please refer to Part (i) of Annex 4 for details.</i>	Driver be liable for side car passenger in addition to himself and pillion passenger

Class of vehicle	Driver/riders/passenger	Proposed wearing requirements for helmets	
		Wearing Requirements	Liability
	Pillion passenger		<i>Already prescribed by the law. Please refer to Part (i) of Annex 4 for details.</i>
	Side car passenger	Mandatory	Side car passenger be liable
Motor tricycle	Driver		Driver be liable for himself and passenger
	Passenger		Passenger be liable

33. Considering that some members of the public may not be able to wear bicycle/motor cycle helmets properly because of religious or other reasons, we propose that the Commissioner may grant exemptions from helmet wearing to those concerned in accordance with the prescribed provisions under Cap. 374F.

34. Regarding the penalties for contravention of the helmet wearing requirement, we propose that riders of bicycles, tricycles, and riders/passengers of multi-cycles shall be liable to a maximum fine at Level 1 (i.e. \$2,000), on par with the current penalty in Cap. 374 on “careless cycling”. As to non-compliance with the proposed new requirements for motor cycles with side cars and motor tricycles, the penalties will be the same as the prescribed penalties for not wearing motor cycle helmets. The Police may issue an FPN of \$320 to the driver and, in serious cases, the court may impose a maximum fine at Level 2 (i.e. \$5,000) and imprisonment for 3 months. For passengers who do not comply with the requirements, the court may impose a maximum fine at Level 2 (i.e. \$5,000) and imprisonment for 3 months.

Consultation with the Road Safety Council and the Transport Advisory Committee

35. The TD will consult the Road Safety Council, the Road Safety Research Committee and the Transport Advisory Committee in July to August 2022 on the proposals. We will also continue to discuss with the Police on details of enforcement before finalising the proposed legislative amendments. In addition, we will step up publicity and education to facilitate the trades and the public in understanding the proposed legal requirements and to adapt to the new arrangements.

Advice Sought

36. We aim at submitting the above legislative amendment proposals to the Legislative Council within 2023. Members are invited to comment on the above four legislative amendment proposals.

Transport and Logistics Bureau
Transport Department
July 2022

Use of Mobile Communication Devices (“MCDs”) while Driving

Requirements in other places

Place	Legislative regulation on the use of MCDs	
	Handheld	Non-Handheld
The Mainland (Shenzhen)	Prohibited	Regulated ⁽¹⁾
Australia (State of Victoria)	Prohibited	Regulated ⁽²⁾
Australia (State of New South Wales)	Prohibited	Regulated ⁽²⁾
Japan	Prohibited	Regulated ⁽³⁾
Canada (Province of British Columbia)	Prohibited	Regulated ⁽⁴⁾
Canada (Province of Ontario)	Prohibited	Regulated ⁽⁴⁾
United States (State of California)	Prohibited	Regulated ⁽⁵⁾
United States (State of Washington)	Prohibited	Regulated ⁽⁵⁾
United States (State of New York)	Prohibited	Not regulated
New Zealand	Prohibited	Not regulated
United Kingdom	Prohibited	Not regulated
Germany	Prohibited	Not regulated
France	Prohibited	Not regulated
Singapore	Prohibited	Not regulated

- (1) Actions such as making and receiving phone calls, browsing with MCDs, etc. that interfere with driving are prohibited.
- (2) Actions such as making video calls, texting/emailing, browsing websites and social media, etc. that interfere with driving are prohibited. Use of an MCD is allowed for the purposes of making and receiving phone calls, playing audio/music, or navigation if it is secured in the vehicle or can be used without touching any part of it.

- (3) Actions such as making and receiving phone calls, focusing on MCDs, etc. that interfere with driving are prohibited.
- (4) Use of an MCD for the purposes of making and receiving phone calls, texting/emailing and watching video, etc. that interfere with driving are prohibited. The use of an MCD is allowed for the purposes of making and receiving phone calls, navigation, etc. if it is secured in the vehicle or can be used without touching any part of it.
- (5) Actions such as reading, watching video, texting/emailing, etc. that interfere with driving are prohibited. A single swipe or tap to activate/ deactivate the MCD is allowed if it is secured in the vehicle.

Child Restraining Devices (“CRDs”)

(i) Existing statutory requirements for the use of CRDs in private cars under the Road Traffic (Safety Equipment) Regulations (Cap. 374F)

Position of passenger seat in private car	Requirements on age, liability and penalties regarding the use of CRDs		
	Age requirement	Liability	Penalties ① A fine at Level 1 (i.e. \$2,000) ② A fixed penalty of \$230
Front passenger seat	Mandatory if aged 2 or less	On driver	① ②
Rear passenger seat	Mandatory if aged 2 or less when the seat is fitted with a CRD ¹	On driver	① ②

(1) If there was no CRD on rear seat, the child passenger must use seat belts. Otherwise, the Police may issue an FPN of \$230 to the driver who carries the child passenger concerned and, in serious cases, the court may impose a maximum fine at Level 1 (i.e. \$2,000)

(ii) Benchmarks recommended by relevant institutions in other places for the use of CRDs

Institutions	Recommended benchmarks
European Commission	Body height below 1.35m
United States Centre for Disease Control and Prevention	Body height below 1.45m
World Health Organisation	Body weight below 36 kg

(iii) Existing requirements in other places

Place	Age	Body height	Body weight
Canada	From 8 to 9	Below 1.45 m	Below 36 kg
United Kingdom	Below 12	Below 1.35 m	Not regulated
Australia	Below 7	Not regulated	Not regulated
Japan	Below 6	Not regulated	Not regulated
United States	From 4 to 8	Not regulated	Not regulated
The Mainland	Below 4	Not regulated	Not regulated
Singapore	Not regulated	Below 1.35 m	Not regulated

**Existing statutory requirements for fitting and wearing of seat belts
under Cap. 374F**

Class of vehicle	Driver/ Passenger	Requirements, liability and penalties regarding the wearing of seat belts		
		Penalties ① A fine of \$5,000 and imprisonment for 3 months ② A fine at Level 1 (i.e. \$2,000) ③ A fixed penalty of \$320 ④ A fixed penalty of \$230		
		where the driver is the offender	where the front seat passenger is the offender	where the rear seat passenger is the offender
Private car	Driver	① ③	② ④	② ④
	Passenger	No liability	①	①
Taxi	Driver	① ③	No liability	No liability
	Passenger	No liability	①	①
Public light bus	Driver	① ③	No liability	No liability
	Passenger	No liability	①	①
Private light bus	Driver	① ③	② ④ <i>(Only applicable to passenger aged under 15)</i>	Not regulated
	Passenger	No liability	①	
Goods vehicle	Driver	① ③	② ④ <i>(Only applicable to passengers aged under 15)</i>	Not regulated
	Passenger	No liability	①	
Bus	Driver	①	Not regulated	Not regulated
	Passenger	No liability		
Special purpose vehicle	Driver	Not regulated	Not regulated	Not regulated
	Passenger			

Requirements for Wearing Helmets

(i) Existing statutory requirements for wearing helmets under Cap. 374F

Class of vehicle	Driver/ Rider/ Passenger	Requirements, liability and penalties regarding the wearing of helmets		
		Wearing Requirements	Liability	Penalties ① A fine of \$5,000 and imprisonment for 3 months ② A fixed penalty of \$320
Bicycle	Rider	Not regulated (passenger is not allowed on bicycle and tricycle by the law)	Not applicable	Not applicable
Tricycle	Rider			
Multi-cycle	Rider	Not regulated (use of multi-cycle is only allowed on designated cycle tracks by the law)	Not applicable	Not applicable
	Passenger			
Motor cycle	Driver	Mandatory (already prescribed by the law)	On driver to his/her own self and to the rear seat passenger	① ②
	Rear seat passenger		On rear seat passenger's own self	①

Motor cycle with a side car	Driver	Mandatory (already prescribed by the law)	On driver to his/her own self and to the rear seat passenger	① ②
	Rear seat passenger		On rear seat passenger's own self	①
	Passenger seated in the side car	Not regulated	Not applicable	Not applicable
Motor tricycle	Driver	Not regulated	Not applicable	Not applicable
	Passenger			

(ii) Requirements for cyclists to wear bicycle helmets in other places

Place	Wearing requirement	Age requirement
Singapore ¹	Mandatory (For carriageway only)	All ages
Australia	Mandatory	
Dubai		
New Zealand		
United States ²	Mandatory (22) Not regulated (30)	Below 18 (22)
Canada ²	Mandatory (9) Not regulated (4)	All ages (6) Below 18 (3)
Czech Republic	Mandatory	Below 18
Sweden		Below 15
Iceland		Below 15
Japan		Below 13
South Korea		Below 13
France		Below 12
The Mainland		Not regulated
United Kingdom		
Germany		
The Netherlands		
Switzerland		
Finland ³		
Denmark		

(1) In Singapore, it is mandatory for cyclists to wear helmets when cycling on carriageway, but not on cycle tracks to avoid discouraging cycling activities. Standards for bicycle helmets are also made public for cyclists' reference. Cyclists can choose the right cycling helmet to suit their needs without committing an offence by using a cycling helmet that is not in the reference standards.

- (2) The number in brackets denotes the corresponding numbers of states of the United States and of the territories or provinces of Canada.
- (3) In 2003, Finland made it mandatory for cyclists to wear helmets. The wearing requirement was abolished in 2017 after review.