## 立法會 Legislative Council

LC Paper No. CB(1)612/99-00 (These minutes have been seen by the Administration)

Ref: CB1/PL/TP/1

## LegCo Panel on Transport

## Meeting on Tuesday, 26 October 1999, at 10:30 am in Conference Room A of the Legislative Council Building

| Members present   | : Hon Mrs Miriam LAU Kin-yee, JP (Chain |  |  |  |  |
|-------------------|---|--|--|--|--|
|                   |   | Hon LAU Kong-wah (Deputy Chairman)                         |  |  |  |
|                   |   | Hon Edward HO Sing-tin, SBS, JP                            |  |  |  |
|                   |   | Hon Albert HO Chun-yan                                     |  |  |  |
|                   |   | Dr Hon Raymond HO Chung-tai, JP                            |  |  |  |
|                   |   | Hon LEE Wing-tat   |  |  |  |
|                   |   | Hon LEE Kai-ming, SBS, JP                                  |  |  |  |
|                   |   | Hon CHAN Wing-chan   |  |  |  |
|                   |   | Hon LAU Chin-shek, JP                                      |  |  |  |
|                   |   | Hon Andrew CHENG Kar-foo                                   |  |  |  |
|                   |   | Hon TAM Yiu-chung, GBS, JP                                 |  |  |  |
|                   |   | Hon FUNG Chi-kin   |  |  |  |
|                   |   | Dr Hon TANG Siu-tong, JP                                   |  |  |  |
|                   |   | -  |  |  |  |
| Members absent    |   | Hon Mrs Soling CHOW LIANG Shuk yog ID                      |  |  |  |
| wiennbei s absent | •                                       | Hon Mrs Selina CHOW LIANG Shuk-yee, JP<br>Hon CHAN Kam-lam |  |  |  |
|                   |   |  |  |  |  |
|                   |   | Hon Andrew WONG Wang-fat, JP                               |  |  |  |
|                   |   |  |  |  |  |
| Public officers   | :                                       | For Item IV  |  |  |  |
| attending         |   | Transport Bureau   |  |  |  |
|                   |   | Mr Kevin HO, Secretary for Transport (Atg)                 |  |  |  |

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#### Transport Department

Mr Robert FOOTMAN, JP, Commissioner for Transport

Mr Alan KAM, Deputy Commissioner for Transport

Mr Alan LUI, Assistant Commissioner for Transport

#### For Item V

#### Transport Bureau

Mr Kevin HO, Secretary for Transport (Atg)

Mrs Agnes ALLCOCK, Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN, JP, Commissioner for Transport

Mr Alan KAM, Deputy Commissioner for Transport

### For Item VI

Transport Bureau

Mr Kevin HO, Secretary for Transport (Atg)

Miss Margaret FONG, Deputy Secretary for Transport

Mr Brian LO, Principal Assistant Secretary for Transport

#### Transport Department

Mr Robert FOOTMAN, JP, Commissioner for Transport

Mr Alan LUI, Assistant Commissioner for Transport

#### Hong Kong Police Force

Mr L R EDWARDS, Superintendent

#### For Item VII

Transport Bureau

Mr Kevin HO, Secretary for Transport (Atg)

Miss Margaret FONG, Deputy Secretary for Transport

Mr Brian LO, Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN, JP, Commissioner for Transport

Mr Thomas THUMB, Assistant Commissioner for Transport

Clerk in attendance : Ms LEUNG Siu-kum, Chief Assistant Secretary (1)2

Staff in attendance : Mr Andy LAU, Senior Assistant Secretary (1)6

| Ι | Confirmation of minutes and matters arising |  |  |  |  |  |
|---|---|--|--|--|--|--|
|   | (LC Paper No. CB(1) 186/99-00               | Minutes of meeting held on                 |  |  |  |  |
|   |   | 28 July 1999                               |  |  |  |  |
|   | LC Paper No. CB(1) 187/99-00                | Minutes of meeting held on 7 October 1999) |  |  |  |  |

The minutes of the meetings held on 28 July 1999 and 7 October 1999 were confirmed.

## II Information papers issued since last meeting

| (LC Paper No. CB(1) 1804/98-99                   | Submission from a local concern group<br>on the proposed construction of the Ma<br>On Shan Rail Link                                  |
|--|---|
| LC Papers No. CB(1) 1807/98-99<br>and CB(1) 1809 | A press release on ferry service between<br>Central and Peng Chau   |
| LC Papers No. CB(1) 1847/98- 99<br>(01) and (02) | Submissions from two citizens on public<br>transport-related matters together with<br>the Administration's response on one of<br>them |
| LC Paper No. CB(1) 1910/98-99                    | Submission from a local concern group   |

|                               | on the improvement of ferry service for   |  |  |  |
|-------------------------------|---|--|--|--|
|                               | Peng Chau                                 |  |  |  |
| LC Paper No. CB(1) 1911/98-99 | Transport issues referred from LegCo      |  |  |  |
|                               | Members' meeting with Islands             |  |  |  |
|                               | Provisional District Board                |  |  |  |
| LC Paper No. CB(1) 1977/98-99 | Financial and operational information of  |  |  |  |
|                               | New Lantao Bus Co., (1973) Ltd            |  |  |  |
| LC Paper No. CB(1) 35/99-00   | - Submission from a company on the use    |  |  |  |
|                               | of bio-diesel for motor vehicles          |  |  |  |
| LC Paper No. CB(1) 148/99-00  | Submission from a local concern group     |  |  |  |
|                               | objecting to the proposed introduction of |  |  |  |
|                               | land departure tax)                       |  |  |  |

2. <u>Members</u> noted the information papers issued since last meeting.

IIIItems for discussion at the next meeting scheduled for 26 November 1999<br/>(LC Paper No. CB(1) 156/99-00 -- List of outstanding items for discussion<br/>LC Paper No. CB(1) 157/99-00 -- List of follow-up actions)

3. <u>Members</u> agreed to discuss the following items at the next meeting to be held on 26 November 1999:

- (a) Measures to deal with speeding offences;
- (b) Policy on driving instructors' licence; and
- (c) Ferry services provided by the Hongkong & Yaumati Ferry Co. Ltd.

## IV Progress of Y2K compliance work in Government and non-government organizations under the purview of the Transport Bureau

| (LC Paper No. CB(1) 188/99-00(01) | List of questions relating to the   |  |  |  |
|-----------------------------------|-------------------------------------|--|--|--|
|                                   | planning and testing of contingency |  |  |  |
|                                   | plan                                |  |  |  |
| LC Paper No. CB(1) 188/99-00(02)  | Information paper provided by the   |  |  |  |
|                                   | Administration)                     |  |  |  |

4. At the invitation of the Chairman, the <u>Commissioner for Transport</u> (C for T) briefed members on the salient points of the paper. He said that Government had attached great importance to the timely completion of the Y2K rectification work by the public transport service providers. With the completion of the Y2K rectification work, the present focus was switched to the formulation and testing of contingency plans which were to be carried out in three different areas. Firstly, all major transport service providers were required to submit their contingency plans to the Administration. Secondly, C for T chaired a Steering Committee to examine the contingency plans from the public transport service providers and to devise the strategy for a sector-wide

AC for T

Y2K contingency plan. Thirdly, the Administration worked on the special transport and traffic arrangements for millenium celebration in collaboration with the relevant public transport service providers.

5. <u>Mr CHAN Wing-chan</u> expressed concern about the contingency arrangements for MTR Corporation (MTRC) in handling service disruption in tunnel. The <u>Assistant Commissioner for Transport</u> (AC for T) advised that in case of a signal failure, the operation of train service would be switched to the manual mode, which would cause a reduction in the level of service. However, he said that as the signaling system and the ventilation system were two separate systems, the failure in the former would not affect the latter. As to the contingency arrangements for handling the malfunctioning of a train in a tunnel, <u>AC for T</u> said that the affected train would be towed away to the nearest siding so that normal service could be resumed as early as possible.

6. <u>Mr Edward HO</u> expressed concern about the contingency arrangements for railway operators in case of power failure. <u>AC for T</u> advised that both the MTRC and the Kowloon-Canton Railway Corporation (KCRC) had more than one feeder stations for the purpose of power supply, so that one station could continue to supply power while the other station was down. In case of a territory-wide power failure, the stand-by power supply would last for at least one hour to allow for emergency operation. Furthermore, the power companies had assured that in the unlikely event when power supply from both companies failed at the same time, they would accord priority to the two railway companies once power supply was resumed. At the request of members, <u>AC for T</u> would provide further information on the contingency arrangements for railway operators in case of power failure and the implication and effectiveness of using back-up power generators.

(*Post-meeting note:* The required information was circulated vide LC Paper No. CB(1)332/99-00 dated 10 November 1999.)

7. Noting that buses played an important role in the overall contingency plans for railway operation, <u>Mr LI Kai-ming</u> expressed concern about the simultaneous failure of bus operation and the scheduling systems of the respective bus companies during the rollover to the millenium.

8. <u>AC for T</u> advised that all buses were confirmed by franchised bus companies to be free from the Y2K problem. However, as a further safeguard, the bus companies would arrange to allocate more modern buses with computer device on different routes so that the impact of Y2K-induced failure, if occurred, would be kept to the minimum. Regarding the scheduling systems for the deployment of buses and drivers, he said that the bus companies would work out the schedules in advance so that any possible Y2K-induced failure during the rollover would not affect bus operation. As regards the emergency deployment of buses to cater for railway-related incidents, he said that this would be co-ordinated by the Emergency Transport Co-ordination Centre of the

AC for T

Transport Department. Parallel bus services would be strengthened to address the transport needs of commuters.

9. Referring to the operation of the Emergency Transport Co-ordination Centre, <u>Mr CHAN Wing-chan</u> expressed concern about the inadequate staffing support at the Directorate level. <u>AC for T</u> replied that the Centre was headed by the Commissioner for Transport with the assistance of three other senior staff members at the Directorate level. Based on past experience, the staffing support at the Directorate level should be adequate to ensure the effective operation of the centre. Furthermore, in order to cater for any unexpected events during the rollover to the millenium, the establishment of the centre would be strengthened.

10. Despite the rectification works and repeated tests carried out by railway companies, <u>Mr LAU Kong-wah</u> indicated his support to KCRC's proposal to suspend its service temporarily for two minutes during the rollover. He also urged the MTRC to do the same. <u>AC for T</u> said that he would further discuss with MTRC and report back to the Panel.

(*Post-meeting note:* The required information was circulated vide LC Paper No. CB(1) 332/99-00 dated 10 November 1999.)

11. <u>Dr TANG Siu-tong</u> expressed concern about the possible disruption caused by the failure of the Octopus system and enquired whether passengers would be allowed to travel free on-board as a result. <u>AC for T</u> advised that free travel was one of the possible options under consideration by the respective companies. Depending on the actual circumstances, the companies would introduce the most suitable arrangements to cater for any unforeseen events.

# V Findings of Third Comprehensive Transport Study and the New Transport Strategy

| (LC Paper No. CB(1) 96/99-00     | А                                     | publication | provided | by | the |
|----------------------------------|---------------------------------------|-------------|----------|----|-----|
|                                  | Transport Bureau entitled "Hong Kong  |             |          |    |     |
|                                  | Moving Ahead - A Transport Strategy   |             |          |    |     |
|                                  | For                                   | The Future" |          |    |     |
| LC Paper No. CB(1) 188/99-00(03) | Third Comprehensive Transport Study - |             |          |    |     |
|                                  | Final Report (October 1999))          |             |          |    |     |

12. The <u>Administration</u> briefed members on the new transport strategy which was built on the foundations of the 1990 White Paper on Transport Policy having regard to the latest findings of the Third Comprehensive Transport Study (CTS-3). The <u>Secretary for Transport (Acting)</u> (S for T (Ag)) also clarified the work of the consultant undertaking the CTS-3, highlighting that the consultant was not required to formulate a transport policy for Hong Kong. The primary task of the consultant was to project the future demand for transport services and to examine the situation and effect of the "committed" infrastructure projects upon their completion. The consultant was also required to make recommendations on the provision of transport infrastructure to meet the transport demand of commuters. Based on the findings of CTS-3 and with reference to the 1990 White Paper on Transport Policy, the Administration had promulgated the present transport strategy for members' consideration.

### Priority to railway development

13. <u>Mr Edward HO</u> declared interests as a Board member of the MTRC.

14. <u>Mr Edward HO</u> pointed out that presently, railway companies were operating in accordance with prudent commercial principle. As such, any decision on the implementation of a railway project would depend on whether it was financially justified, having regard to the population along the catchment areas of the railway. In considering the proposed change of transport strategy to accord priority to railways, he asked if Government was prepared to provide some form of incentives/assistance to railway companies so that they could speed up the provision of railway infrastructure, regardless of the population size along the catchment areas. His views were echoed by Dr Raymond HO.

15. <u>S for T (Ag)</u> advised that in the long run, greater emphasis would be placed on the need to integrate transport and land use planning so that sufficient developments would be built to sustain a viable railway operation. In the short run, there was still a need to consider the financial implication of a project before approval could be granted for its implementation.

16. The <u>Chairman and Mr Edward HO</u> responded that this approach was almost the same as the present one which meant that it would require a long time for the Administration to implement a new railway project, pending the growth of sufficient population. <u>S for T (Ag)</u> explained that there was a fundamental change in land use and transport policies in the sense that the new strategy would focus on locating future strategic developments along railway alignments. Such an approach of integrating transport and land use planning might not always be achievable in the past.

17. <u>S for T (Ag)</u> also referred members to this year's Policy Address which stated that "To develop environment-friendly modes of transport, how much they cost, how to share infrastructural investment and how to determine the charges to be borne by users, are all questions that will need to be solved in ways different from traditional thinking. New strategic plans for investment in transportation and land will also be drawn up". Given the inception of this new policy direction at the Policy Address, the Administration would need some time to conduct further examination in this regard. The <u>Chairman</u> remarked that the subject matter could be further deliberated upon the completion of the Second Railway Development Study.

18. <u>Mr LEE Kai-ming</u> also expressed dissatisfaction over the slow pace of railway development. He said that the present railway development programme could not catch up with the expectation and transport needs of commuters. For example, despite considerable demand for the development of the Ma On Shan Rail Link to the urban area, an additional cross border rail link to relieve the congestion at Lo Wu and a direct rail link between West Kowloon Reclamation and Lok Ma Chau, the Administration did not expedite the delivery of these railway lines. <u>Mr LAU Chin-shek</u> also urged the Administration to speed up the implementation of the East Kowloon Line. <u>S for T(Ag)</u> advised that all these projects were being examined in the context of the Second Railway Development Study.

19. Dr Raymond HO also expressed concern about the construction of the Extension of the MTR Island Line to Western District. He pointed out that in assessing the potential demand for the said extension, there was a need to take into account the population growth in Western District as well as the related trips that passed through the Western District to other areas such as the Southern District and South-eastern part of Hong Kong island. S for T (Ag) advised that in assessing the feasibility of a railway, both the Administration and the railway companies would carry out in-depth studies to assess the potential demand of the rail. Apart from residential trips, all other potential business, social and recreation trips to and from the concerned districts would be taken into consideration.

20. Regarding the future expansion of the Light Rail Transit (LRT) network and its interface with the West Rail, <u>S for T (Ag)</u> advised that two Light Rail extensions would be constructed in Tin Shui Wai to cater for the future population growth in the area, and to ensure Light Rail's role as an efficient feeder for West Rail.

## Competition among various modes

21. Noting that under the new transport strategy, railway would form the backbone of the transport system and that franchised buses would play a more prominent role in feeding passengers to the railways, <u>Mr LAU Chin-shek</u> expressed grave concern that the new strategy would reduce competition as parallel bus services would be discouraged. In his opinion, this would affect the quality of public transport services and lead to higher fares. As such, he would not support the revised transport strategy in this respect.

22. <u>S for T (Ag)</u> advised that the said strategy was not meant to restrict the growth of bus services in favour of railway development. Despite the provision of railway services, large franchised buses were still the major passenger carrier, and would continue to play an important role in the public transport system.

23. <u>S for T (Ag)</u> further said that the policy objective should aim at maintaining healthy competition to ensure adequate choices for commuters. Whilst parallel

services and long haul bus services would be introduced on a need basis, there would still be competition amongst different operators. The Administration would try to strike a proper balance to optimize the use of resources, having regard to the traffic and environmental implications associated with increased bus services, the extent of duplication among various routes and the level of services provided.

24. <u>Mr LEE Wing-tat</u> pointed out that although the market share of MTR was currently below that of buses and there were parallel bus services plying between different places, the existing market competition did not provide an efficient and effective form of fare regulation. In many cases, MTRC still charged a higher fare than their counterparts in the bus service sector. With the projected increase of market share for MTR service, he expressed worry that the situation would become even worse, not to mention the possible barriers to be imposed by the Government as was the previous case in the North West Transit Service Area.

25. <u>S for T(Ag)</u> advised that the market share for buses was projected to increase from 37% to 38% by 2016. In terms of the number of passengers, the increase would be 30%. As such, buses would still play a prominent role in the transport system and would impose a pressure on railway companies in respect of fare adjustment. <u>S for T (Ag)</u> further said that the Administration would no longer introduce measures to suppress competition amongst various public transport modes for the benefits of a particular mode of transport. In other words, similar policy to regulate the growth and penetration of buses in the North-west Transit Service Area would no longer be applied again.

26. <u>Mr HO Chun-yan</u> highlighted the importance of fair competition. He said that the underlying assumption behind the concept of "avoiding cut-throat competition" upheld by the Administration was to grant some form of protection to a certain transport mode. In the present case, he asked if it was the intention of the Administration to restrain the growth of the bus service market in favour of railway development.

27. <u>S for T (Ag)</u> said that cut-throat competition could exist among various transport operators either between the same or among different public transport modes. In view of the limited road spaces in the central business district (CBD), the Administration had to introduce measures to optimize the efficient use of road spaces. To this end, the introduction of point-to-point bus services to the CBD would have to be regulated.

28. <u>S for T (Ag)</u> assured members that the Administration would not suppress the service provision of a particular mode of public transport so as to preserve the investment or revenue of another mode of public transport. Likewise, the Administration would not restrict the healthy competition amongst different modes. <u>Mr HO Chun-yan</u> responded that the Administration should continue to provide adequate bus services to meet transport demand of commuters and should not use the

new transport strategy as an excuse to turn down residents' requests for new bus services.

#### Pedestrianization and car parking facitlites

29. Dr Raymond HO opined that the provision of cycling facilities for the purpose of passenger movement was unrealistic. He suggested that more underground car parks should be provided. <u>S for T(Ag) replied that although other form of land based</u> feeder services was necessary, pedestrianization, together with the provision of cycling facilities, could help reduce the number of short motorised trips and benefit the environment. He shared the member's view that there was a need to provide gradeseparated and safe pedestrian facilities to avoid conflict between pedestrians and vehicles. In this regard, pedestrian walkway systems like the one in Central would be encouraged. The Administration would take this into consideration when planning future new towns. Regarding the future development of Park and Ride Scheme, S for T(Ag) said that Park and Ride facilities had been planned in four stations of the West Rail. As to whether more underground car parks should be provided, S for T(Ag) said that the Administration would consider each case on its own merits, having regard to the actual circumstances.

#### Forecast of transport demand

30. Regarding the forecast of transport demand, the <u>Deputy Commissioner for</u> <u>Transport</u> advised that it was difficult to predict the transport demand over a long period with accuracy since there were many variables affecting the forecasts which would change over the next 15-20 years. CTS-3 had examined a wide range of development scenarios incorporating assumptions defining the key determinants of future travel demand and found that railway would take over franchised bus and become the most frequently used public transport mode in Hong Kong, carrying about 40% -50% of the total public transport patronage in 2016. The respective figures for bus, public light bus and taxi in 2016 under the medium growth scenario would be 38%, 12% and 6% as compared to the present figures of 37%, 16% and 12%. Whilst the projected market shares for public light bus and taxi showed a downward trend, the absolute number of passengers carried were slightly more or of the same order as the present figures because of the population increase and hence a corresponding increase in the total transport demand.

## Planning of new towns

31. On the planning strategy of new towns, <u>S for T (Ag)</u> said that the Transport Bureau had maintained close liaison and consistent approach with the Planning, Environment and Lands (PEL) Bureau. Whilst trunk roads would not be placed at the hub of the residential developments, there was a need to provide local roads for access and emergency purposes. The PEL Bureau would present the new planning concept in due course. In response to members enquiry on the role played by buses in new towns, <u>S for T (Ag)</u> said that external bus services would still be provided at the outer edges of future new towns, having regard to the viability of the service and the traffic condition in the CBD.

32. <u>Members</u> noted that due to the lack of progress on some of the projects recommended by CTS-2, and because of unforeseen rapid increase in population and economic growth, some areas including those in Kowloon region suffered from severe traffic congestion. <u>Mr Edward HO</u> enquired about the measures the Government would introduce to avoid future recurrence of similar problems. <u>S for T (Ag)</u> advised that the implementation programme of a road project was dependent upon a number of factors, including technical, financial and environmental factors. In some cases, the programme could not proceed because some identified infrastructure was not able to carry out as planned, for example, the Central-Wanchai Bypass, the delay of which had led to congestion in Central. The Administration would make efforts to deliver the projects as scheduled, having regard to the new policy directive as promulgated in the Policy Address.

33. <u>Mr HO Chun-yan</u> enquired whether the Administration had ever considered to build future railways on its own and retain the ownership by contracting out the operating rights only. He opined that this could save the need for the Government to grant subsidy to the future privatized MTRC in the form of property development rights to sustain its operation. He reminded the Administration that when the future privatized MTRC had become a listed company with private ownership, any subsidy to the company would arouse public query on the fairness in the allocation of government resources. <u>S for T (Ag)</u> advised that presently, the land required for railway operator was either granted to MTRC and KCRC or owned by the Government and the need to change this practice would be subject to detailed examination. As to the ownership of railway tracks, signalling systems and trains, these now belonged to the respective The Government had no intention to take over these assets from the companies. railway companies and to contract out the operating rights of the railways to another company.

34. <u>Mr HO Chun-yan</u> also requested the Administration to formulate a strategy to enable, on one hand, the provision of a viable and good quality ferry services to residents on the outlying islands, and on the other hand, to keep the fares of these essential services at an acceptable level.

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35. In concluding, the <u>Chairman</u> drew members' attention that she had given notice to move a motion on the transport strategy for the future at a Council meeting to be held in November. This would provide another forum for members to deliberate on the subject matter.

## VI Measures to deal with reckless and dangerous driving (LC Paper No. CB(1) 188/99-00(04) -- Information paper provided by the Administration)

36. At the invitation of the Chairman, <u>C for T</u> briefed members on the salient points of the paper.

37. Mr CHAN Wing-chan opined that the existing penalties were already stringent enough to achieve their deterrent effect. He objected to the proposal to further tighten the existing penalties. C for T explained that as a result of a spate of serious traffic accidents involving a large number of fatalities, members of the public felt that penalties imposed in these cases were unfairly low. There was also criticism that the sentences were not commensurate with the seriousness of the consequence (e.g. fatalities caused) or the driving behaviour. Having reviewed the effectiveness of the concerned provisions, the Administration had come up with the present proposal.

38. <u>Mr CHENG Kar-foo</u> was of the view that the penalty for dangerous driving was too stringent as an offender might be disqualified for not less than six months for the first conviction and could be subject to mandatory disqualification for not less than 18 months in the case of the second and subsequent convictions. Given that dangerous driving was a new offence and having regard to its wide application and the resulting implication on professional drivers, he asked the Administration to review the appropriateness of the proposed penalties. The <u>Chairman</u> requested the Administration to provide further information on the existing penalties for dangerous driving in the United Kingdom in particular those relating to disqualification.

39. <u>Mr CHAN Wing-chan</u> pointed out that the Chinese translation of the proposed definition for dangerous driving as set out in paragraph 2(b) of Annex B to the paper was unclear. He asked the Administration to improve the drafting of the related provision so that professional drivers could better understand the driving behaviours which would constitute as an offence under dangerous driving.

40. <u>AC for T</u> said that in accordance with paragraph 2(b) of Annex B to the paper, a person was to be regarded as driving dangerously if it would be obvious to a competent and careful diver that driving in that way could be dangerous. It would be difficult to provide a simple definition for the purpose of determining what would be obvious to a competent and careful driver. However, the term "competent" generally referred to the driving skill of a driver whereas the term "careful" described the driving attitude of a driver. In determining whether a driver was driving dangerously, the court should have regard to all the circumstances of the case including the nature, condition and use of the road, the traffic condition and the state of the vehicle.

41. Noting that the Administration now proposed that reference to the Road Users' Code under the definition of "dangerous driving" should be removed, <u>Mr LEE Wing-tat</u> enquired the justification for the proposed change. The <u>Chairman</u> remarked that when the Panel was last consulted on the proposed legislation on 9 February 1999, some members said that the Road Users' Code contained very stringent standards which were impractical and could not be followed easily by motorists. As such, they requested the Administration to review the appropriateness of referring to the Road Users' Code in determining the standard expected of a competent and careful driver.

42. <u>AC for T</u> further advised that in the course of consultation, the trade had expressed serious concern about the proposal to require the courts to have regard to the Road Users' Code. They considered that the Code was too stringent and contained too many general restrictions in relation to the attitude and behaviour of drivers. They worried that they would be charged with dangerous driving for minor driving offences as set out in the Code. To address their concern, the Administration now proposed that reference to the Road Users' Code under the definition of "dangerous driving" should be removed. However, the arrangement would not preclude the court from taking the Code into account as it was already an existing practice that any party to any proceedings for an offence under the Road Traffic Ordinance could rely on the Code to establish or negate any liability at issue in these proceedings.

43. <u>Mr LEE Wing-tat</u>, however, opined that the Administration should review the Road Users' Code and list out those acts which were considered to have safety implications in a separate schedule to the bill or in a totally separate publication. This would enhance public awareness as to what driving behaviours would constitute an offence for dangerous driving.

44. <u>Mr CHENG Kar-foo</u> echoed Mr LEE's view and reiterated his suggestion that a separate code of practice specifying acts which constituted as offences under dangerous driving should be drawn up in a schedule to the bill for compliance by motorists. The <u>Chairman</u> remarked that one of the advantages of the present proposal was that it was basically modelled on the United Kingdom (UK) legislation and hence, reference could be made to precedent cases in the UK. However, if a separate schedule were to be provided to stipulate what behaviours would constitute as an offence under dangerous driving, such kind of references might not be possible.

45. <u>Mr HO Chun-yan</u> supplemented the view expressed by Mr CHENG Kar-foo and stated that some of the driving behaviours which might constitute as an offence under the Road Traffic Ordinance were not clearly provided for in the legislation. To enhance public awareness, he suggested that the Administration should consider including such kinds of driving behaviours in the legislation. The <u>Chairman</u> also remarked that the trade should be further consulted if the suggestion were to be adopted.

46. <u>AC for T</u> advised that the Administration had considered the proposal to provide a separate code for the purpose of dangerous driving. However, it was considered that the list so drawn up would not be exhaustive, having regard to the many different behaviours in different circumstances. Furthermore, the court would need to take into account a number of external factors in determining whether a specific act should constitute as an offence under dangerous driving. As such, the present proposal would be more appropriate. In concluding the discussion, the <u>Chairman</u> asked the Administration to review the members' suggestion before introducing the Bill into the Council.

## VII Use of mobile phone while driving

LC Paper No. CB(1) 188/99-00(05) -- Information paper provided by the Administration

47. <u>Mr LAU Chin-shek</u> pointed out that the trade was concerned about the pricing of hands-free kits for radio phones. The <u>Chairman</u> added that in accordance with the Administration's advice, the cost of converting radio phones to hands-free type ranged from \$150 to \$300 per motor vehicle. If this was the case, it would be acceptable to the trade. She therefore asked the Administration to provide further information on the supply and costing of hands-free kits for radio phones. <u>AC for T</u> undertook to collate the required information for members' information.

VIII Any other business

48. There being no other business, the meeting ended at 12:45 pm.

Legislative Council Secretariat 14 December 1999