

LCQ13: Proper carriage of loads on vehicles

Following is a question by the Hon Wilson Or and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (April 21):

Question:

Under regulation 57 of the Road Traffic (Traffic Control) Regulations (Cap. 374G), the driver of a motor vehicle on a road shall ensure that any load is properly secured to and contained on or inside the vehicle. However, it has been reported that from time to time, there have been instances in which loose loads (e.g. sand, ballast and miscellaneous objects) not properly covered with a cover fell from dump trucks and grab-mounted trucks onto roads, thus endangering the safety of other road users. In addition, some persons-in-charge of works, in order to save cost, have used dump trucks instead of tanker trucks of an enclosed design for carrying mud, resulting in mud spilling onto roads. There are also instances of foul water seeping from refuse collection vehicles while travelling, causing pollution to the environment. In this connection, will the Government inform this Council:

- (1) of the number of complaints or reports about the presence of miscellaneous objects on roads received by the Government in each of the past three years, with a breakdown by District Council district;
- (2) of the Government's current procedure for clearing miscellaneous objects on roads, and the average expense of each operation;
- (3) of the number of prosecutions instituted by the Government in each of the past three years against drivers by invoking the aforesaid provision;
- (4) of the publicity efforts made by the Government in the past three years on promoting the practice of proper carriage of loads to members of the transport sector and other stakeholders, so as to reduce instances of miscellaneous objects and contaminants falling from vehicles onto roads; and
- (5) whether it will step up law enforcement actions against the aforesaid unlawful acts and raise the relevant penalties, so as to enhance road safety?

Reply:

President,

The Government all along attaches great importance to road safety, as well as the road safety and environmental pollution problems caused by moving vehicles with loads that are not properly contained or secured.

Having consulted the Hong Kong Police Force (the Police), the Highways Department (HyD), the Food and Environmental Hygiene Department (FEHD), the Environmental Protection Department (EPD) and the Transport Department (TD), my reply to the various parts of Hon Wilson Or's question is as follows:

(1) and (2) According to the established mechanism, apart from arranging its contractor to clear debris and rubbish from road surfaces of high speed roads on a daily basis, HyD also carries out regular road maintenance inspections for high speed roads and general roads. If HyD discovers or receives reports about any obstacles on these roads affecting the safety of road users, staff will be deployed to carry out the clearance work as soon as possible.

Separately, FEHD is responsible for providing general street cleansing services, including street sweeping, refuse collection and street washing. If discarded waste is found, FEHD will arrange to remove the waste, with assistance from the Police or other departments depending on the circumstances so as to ensure that its staff (including those of its contractors) carry out the work under a safe environment.

The above-mentioned scavenging services are undertaken as part of various departments' normal duties and the expenditure involved has been included in the associated recurrent expenses. Furthermore, the departments do not maintain records on the number of public reports or complaints related to the presence of miscellaneous objects on carriageways.

(3) Under the Road Traffic (Traffic Control) Regulations (Cap. 374G), the driver shall ensure that any load is properly secured to or contained inside the vehicle and that its weight and manner in which it is placed in the vehicle shall not cause danger to any person. Any driver who contravenes the relevant regulation is liable to a fine of \$5,000 and imprisonment for three months on first conviction; and to a fine of \$10,000 and imprisonment for six months on second or subsequent convictions. The Police is responsible for law enforcement on related contraventions. In 2018, 2019 and 2020, the number of enforcement actions taken by the Police against insecure loading under section 57 of Cap. 374G were 1 321, 962 and 962 respectively. The Police does not maintain relevant prosecution figures.

(4) and (5) Apart from the above-mentioned Cap. 374G, in accordance with the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK), FEHD may take enforcement actions against vehicles that cause littering (including dripping of waste water from vehicles) on any street or public place.

In addition, under the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L), a refuse collection vehicle with rear compactor entering/leaving landfills or refuse transfer stations must be equipped with a metal tailgate cover and a waste water sump tank of suitable construction and in good working condition so as to prevent the spilling of refuse and waste water during transportation. Also, under the Air Pollution Control (Construction Dust) Regulation (Cap. 311R), when a vehicle leaves a construction site, the load of dusty materials shall be covered entirely by clean impervious sheeting to ensure that the dusty materials would not leak

and pollute the environment while moving.

Apart from governing the use of vehicles for carriage of loads under the law and stepping up enforcement actions, the Government attaches great importance to raising awareness of safe driving and environmental protection among the transport and waste collection trades, and drivers of refuse collection vehicles and dump trucks. In particular, when transporting construction waste, sand, soil and refuse, all loads shall be properly secured and covered, and appropriate measures shall be taken to prevent dripping of wastewater, posing safety hazards to other road users and contaminating the roads. In this respect, TD has been launching publicity and educational activities through various channels. To enhance the goods vehicle trade's awareness of safe loading, TD has compiled a "Code of Practice for the Loading of Vehicles" in accordance with section 109 of the Road Traffic Ordinance (Cap. 374) after consulting the goods vehicle trade. The Code provides guidelines covering various areas of safe loading, including the use of suitable vehicles for carrying loads, proper methods of placing loads inside vehicles, etc. TD also issues the "Goods Vehicle Trade Newsletter" on a quarterly basis and holds regular meetings with the goods vehicle trade to disseminate the message of road safety and remind them to adopt good practice for transportation of loads. In addition, through conducting regular Landfill Users Liaison Meetings, EPD has also appealed the transport trade to keep adopting good practices and complying with the relevant statutory requirements so as to prevent potential environmental hygiene and road safety problems caused by vehicles transporting waste.

The Government will continue to promote safe loading on various fronts, including law enforcement, publicity and education. The Government will also timely review the relevant legislations to ensure that their penalty levels have adequate deterrent effect, with a view to reducing road safety and environmental pollution problems caused by moving vehicles with loads that are not properly contained or secured.