

LCQ6: Child safety in cars

Following is a question by the Hon Wilson Or and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 23):

Question:

The existing legislation requires that a child passenger of two years of age or less must be securely fastened to the seat by means of an approved child restraint device (CRD) when travelling in the front seat of a private car (the CRD requirement). Regarding child safety in cars, will the Government inform this Council:

(1) of the respective numbers of passengers under the age of 12 who died and who sustained serious injuries in traffic accidents in each of the past three years;

(2) whether the Government has, since 2010, amended any legislation relating to child safety in cars; if so, of the details; if not, the reasons for that; and

(3) given that the transport sector and the Consumer Council have, since 2010, been calling on the Government to extend the CRD requirement to the rear seats of private cars, and that the Government consulted the Panel on Transport of this Council on this proposal in 2013 and indicated in May 2018 that a specific legal framework was being formulated, of the latest progress of the legislative exercise; if a legislative timetable is not yet available, of the measures in place to ensure the safety of rear-seat child passengers in cars?

Reply:

President,

The Government has always attached great importance to ensuring child safety in cars. Apart from conducting publicity and education campaigns to promote child safety in cars, we are also reviewing the requirements on the use of child restraint device (CRD) in private cars so as to further enhance child safety in cars.

Having consulted the Transport Department (TD), my reply to the various parts of the Hon Wilson Or's question is as follows:

(1) In the traffic accidents in 2018, 2019 and 2020, there were no fatal cases of passengers under the age of 12, while the numbers of passengers under the age of 12 sustaining serious injuries were ten, seven and three respectively.

(2) and (3) The Government has been promoting child safety in cars. Under the Road Traffic (Safety Equipment) Regulations (Cap. 374F) (the Regulations), a child under the age of three must be restrained by an approved CRD when travelling in the front seat of a private car. A child passenger under the age of three travelling in the rear seat is also required to use a CRD if one is fitted.

Statutory requirements aside, the Government has been conducting publicity and public education work in relation to child safety in cars. While there is currently no statutory requirement to mandate the installation of CRD in the rear seat of a private car for child passengers, we note that quite often drivers have nonetheless fitted CRD in the rear seats of their cars. We also note that parents, or even children, have high awareness of the need to use restraint devices.

The TD published an updated version of the Road Users' Code in June 2020, which includes a newly added section on "Child Safety in Cars". The section sets out the prevailing statutory requirements, instructions and rules concerning the use of CRD. For example, CRD must be fitted to the vehicle in accordance with the manufacturer's instructions; while young children should be placed in the rear seats, etc.

We have attached particular importance to the safety of student service vehicles. Since 2008, the TD has specified in the Passenger Service Licence the requirement for all student service vehicles serving kindergarten or primary school students to provide an escort on board. In order to promote students' understanding of the correct behaviour on board a student service vehicle, the TD has also disseminated educational materials to kindergartens and primary schools. To enhance the safety of student passengers, legislative amendments were made by the TD in 2007 to stipulate that student service vehicles registered on or after May 1, 2009 must be equipped with "Safer Seats", so as to reduce the risk of students being thrown out of their seats and the severity of injury in case of vehicle collision.

In addition, the TD has also updated the "Guidelines for Ensuring Safety of Students on Student Service Vehicles", which serves as a code of practice and user guide for student transport service operators, drivers, escorts, etc. For example, it should be ensured that each passenger should be allocated and seated in a properly constructed seat secured to the body of the vehicle; and passengers must remain seated when the vehicle is in motion; and since September last year, the trade is encouraged to install seat belts on all rear passenger seats when procuring new student service vehicles.

Although the Government has taken forward a series of work to enhance child safety on cars, we reckon that there is room to further strengthen the protection for child passengers. In this connection, the Government proposed in the end of 2013 to tighten the mandatory requirement on the use of CRD in private cars and recommended using body height and age as the criteria concerned.

Since the Government briefed the Legislative Council Panel on Transport

(the Panel) on the relevant proposals, the Government has commenced the formulation of the legal framework, and reported the progress in the reply to a question from the Legislative Council in May 2018. We have examined a number of complicated issues involved in the proposals, including penalties, collection of evidence, circumstances to establish a reasonable defence, etc. The TD has in particular kept discussing with the law enforcement agency and sought legal advice from the Department of Justice on the enforcement details and challenges arising from the adoption of body height and age as the criteria, such as the law enforcement officers' difficulties in determining the height of the children concerned on the spot, the need for children's cooperation, etc. Besides, Panel members previously raised concerns on such issues as the impact on private car drivers, penalties and enforcement arrangements. In view of the above, we need to carefully consider and balance the views of various parties. Upon the further formulation of details, we will consult the Panel and the stakeholders in due course.

Meanwhile, the TD will continue to work closely with the Road Safety Council and the Police Force to further strengthen the education and publicity efforts in promoting child safety in cars. The TD will also maintain close liaison with the student service vehicle trade and convey messages relating to safety through regular meetings.

Thank you, President.