

LCQ7: Use of mobile phones or telecommunications equipment while driving

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 29):

It is not uncommon to see traffic accidents which were caused by drivers of vehicles for hire via telephone getting distracted as a result of their communicating with customers on mobile phones while driving. In 2017, traffic accidents caused by inattentive driving resulted in 5 735 casualties. In this connection, will the Government inform this Council:

(1) of the number of fixed penalty notices issued since January last year by the Police to motorists who used a mobile phone by holding it in his hand or between his head and shoulder while the motor vehicle being driven by him was in motion;

(2) whether the Police have reviewed the effectiveness of the law enforcement operations mentioned in (1); whether they will step up efforts in promoting the importance of attentive driving among motorists in the coming year; and

(3) as the Government indicated in May last year that, in respect of whether further restrictions should be imposed on motorists' use of smart phones/devices, it was conducting a study on the impacts of such restrictions on motorists and other road users as well as the regulation, enforcement and other related details, of the progress of the study?

Reply:

President,

To ensure road safety, motorists should always drive attentively and avoid being distracted. Therefore, motorists should avoid using mobile phones or other smart devices as far as possible while driving. The Road Traffic Ordinance (Cap. 374) has stipulated stringent provisions on "dangerous driving" and "careless driving". If a motorist uses a mobile phone or smart device while driving in such a way as to affect his driving, he may have committed the offence of "dangerous driving" or "careless driving", irrespective of whether his driving has caused a traffic accident. In addition, pursuant to the Road Traffic (Traffic Control) Regulations (Cap. 374G), if a motor vehicle being driven by a motorist is in motion, it is an offence for the motorist to use a mobile phone while holding it in his hand or between his head and shoulder, or use other telecommunications equipment while holding it in his hand.

My reply to the various parts of the Hon Chan Kin-por's question is as

follows:

(1) From January 2018 to April 2019, the numbers of enforcement actions taken by the Hong Kong Police Force against a motorist who uses a mobile phone or a piece of telecommunications equipment by holding it in his hand or between his head and shoulder while driving were 25 712 in 2018 and 8 574 in January to April 2019. Enforcement actions taken include issuing fixed penalty notices and summonses, and arresting the offenders. The Police do not maintain any breakdown of the cases showing the number of fixed penalty notices issued.

(2) According to the Police, the number of cases of enforcement actions against a motorist who uses a mobile phone or a piece of telecommunications equipment by holding it in his hand or between his head and shoulder while driving recorded a year-on-year increase of 15 per cent in January to April in 2019. The Police will continue to step up enforcement actions to combat offences relating to inattentive driving under the "Selected Traffic Enforcement Priorities".

As regards publicity, the Transport Department (TD) and the Police, as in the past, will continue to work in collaboration with the Road Safety Council to get across messages of driving attentively and avoiding the use of mobile phones and other devices while driving so as to raise motorists' awareness of road safety. Publicity efforts are made through different channels and modes, such as social media platforms and carnival activities. In the second quarter of 2019, the Government launched a new announcement in the public interest on the theme of "one good turn deserves another", reminding motorists of, among others, the importance of driving attentively. In addition, through regular meetings with the transport trades, the TD also calls on commercial vehicle drivers to keep driving attentively and avoid using mobile phones and other devices while driving.

(3) The Government notes the concern of the society about motorists placing several mobile phones or other devices on the dashboard, while understanding that motorists may have practical needs to use mobile phones or other devices for, say, obtaining navigational information. As to whether further restrictions should be imposed on the use of mobile phones and other devices by motorists, the Government would need to exercise great caution in balancing the views of different parties. In this connection, we are examining the impact of such restrictions on motorists and other road users, as well as the regulation, enforcement and other related details. Upon the formulation of concrete proposals, the Government will consult the Legislative Council and various stakeholders.