

LCQ8: Car-hailing feature

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

Question:

The Government plans to introduce, by way of enacting legislation, a new regulatory framework next year to allow wider trial and use of autonomous vehicles by the industry. On the other hand, some electric private cars are equipped with an autonomous driving technology known as "car-hailing feature", which enables drivers to remotely control, without the need to get onto the driving seats, their vehicles to edge into and out of car parking spaces by using a mobile phone application within a short distance from their vehicles. However, section 44 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) prohibits a driver from vacating a vehicle without having stopped the engine and set the brake, and it is therefore an offence to use that feature in Hong Kong. In this connection, will the Government inform this Council:

(1) whether it is aware of the convenience that the above feature can bring to drivers in a number of ways when they use narrow car parking spaces, such as enabling drivers to easily get in and out of their vehicles or open the vehicle doors to get things; and

(2) whether it will consider, prior to formulating the above regulatory framework, expeditiously amending the legislation to allow drivers to lawfully use that feature in Hong Kong; if so, of the timetable; if not, the reasons for that?

Reply:

President,

My consolidated reply to the two parts of the Hon Michael Tien's question is as follows:

With the rapidly advancing automobile technology, vehicle manufacturers have, in recent years, installed a number of new driver assistance functions on their vehicles, in order to enhance driving experience and road safety. With regard to the introduction of new driver assistance systems by vehicle manufacturers for various vehicle classes, which seek to improve driving and road safety, the Transport Department (TD) has all along been keeping an open mind.

Under the existing legal framework, vehicles equipped with driver assistance functions are still required to be operated by a driver in order to run on roads. TD has already approved the use of most automatic driver assistance functions, such as automatic parking, side collision warning,

vehicle hold, automatic steer, automatic lane change, lane keeping, cruise control (for automatic acceleration) and automatic emergency braking system, etc. They can be used under specific driving environments in compliance with relevant internationally recognised standards.

TD is aware that amongst various driver assistance functions, there is one type which enables the driver to remotely control the vehicle away from the driving seat. It is noted that vehicles equipped with such function would, nevertheless, still generally require a "driver" to drive or operate them.

The existing legislation stipulates that the driver must turn off the engine and ensure the parking brake is applied before vacating the vehicle. As the use of the said function to remotely control a vehicle would contravene the existing legislation, TD cannot approve its use in Hong Kong. While we will consider the possibility of amending relevant legislation to allow the use of the said function, we must carefully study, among others, issues of responsibility in respect of an unmanned but remotely controlled vehicle. Nonetheless, TD will keep abreast of the latest development of relevant vehicle technologies (including the function of remotely controlling a vehicle) and continue to liaise with the stakeholders. In considering whether to recommend the approval of the use of the said function, TD will endeavour to strike a balance between the convenience of motorists and public safety.

Regarding our proposal of setting up a new regulatory framework for autonomous vehicles, it is mainly targeted at motor vehicles each equipped wholly or substantially with an autonomous system enabling the operation of the vehicle concerned without the active physical control of, or monitoring by, humans. The new regulatory framework is neither targeted at nor applicable to vehicles mentioned above which have driver assistance functions but would still generally require a "driver" to drive or operate them.