

# Report No. 46 of the Director of Audit —Chapter 6

## ROAD SAFETY: ACCIDENT INVESTIGATION AND LAW ENFORCEMENT

### Summary

1. Road safety is an area where there is no room for complacency. It warrants close and continuous attention. In Hong Kong, the responsibility for improving road safety is mainly shared by the Environment, Transport and Works Bureau (ETWB), the Transport Department (TD), the Hong Kong Police Force (Police) and the Information Services Department (ISD).

#### Data accuracy of the Traffic Accident Data System

2. The TD administers the Traffic Accident Data System (TRADS) in which road accident data are stored. The TRADS helps the TD in identifying road accident black spots, identifying problems of road environment, road users, vehicle types and driving behaviour, and formulating strategies to tackle specific types of accidents. It is important that the road accident data kept by the TRADS are accurate and up-to-date.

3. *Contributory factors of road accidents.* The Audit Commission (Audit) noted inaccuracies in the road accident data input by the Police into the TRADS. Out of 326 road accident cases selected for audit examination, 13% of the contributory factors of road accidents input were inaccurate. *Audit has recommended that the Commissioner of Police should, in consultation with the Commissioner for Transport, implement necessary data input improvement measures.*

4. *Accident locations.* The TD regularly identifies accident-prone locations for investigation based on the TRADS data. Audit noted that in many cases, the same grid reference was used for different accident locations. *Audit has recommended that the Commissioner for Transport should take action to ensure that the grid reference database of the TRADS is updated in a timely manner.*

## Road accident investigation

5. *Using data from vehicle event data recorder.* Audit noted that the Police's accident investigation often took considerable time and resources to complete, because crucial evidence about how the vehicle was driven immediately before the accident was often not readily available. Some countries have begun using data recorded by vehicle event data recorder (EDR) to improve the efficiency and effectiveness of road accident investigation and prosecution. *Audit has recommended that the Commissioner for Transport should, in consultation with the Secretary for the Environment, Transport and Works and the Commissioner of Police, monitor the development and application of vehicle EDR by car manufacturers.*

6. *Vehicles without a valid third-party insurance policy.* Under the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272), it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force an insurance policy in respect of third-party risks. In 2005, there were 295 prosecutions against those persons who could not produce a valid third-party insurance policy. Where the victims of road accidents were unable to recover the damages awarded to them because of the lack of valid third-party insurance, the Motor Insurers' Bureau of Hong Kong (MIB) would secure the satisfaction of claims. The number of cases referred to the MIB had risen by 60% from 10 in 2000 to 16 in 2005. *Audit has recommended that the Commissioner for Transport should, in consultation with the Secretary for the Environment, Transport and Works and the Commissioner of Police, consider ways to ensure that vehicles on a road always have valid third-party insurance policies.*

## Drink driving test

7. A drink driving test consists of two parts. The first part of the test is the screening breath test. If the driver fails this part, he will have to take the second part, known as the evidential breath test, or to undergo a blood or urine test. Audit noted that the average time interval between the screening breath test and the evidential breath test was about 50 minutes. This was longer than the 15 to 20 minute interval envisaged in 1995 when the legislation on drink driving was being examined.

8. Audit notes that some measures have been recently implemented in overseas countries to combat drink driving. These include carrying out roadside evidential breath test, empowering the police to carry out random roadside breath test, and installing alcohol ignition interlocks in vehicles. *Audit has recommended that the Commissioner of Police should, in consultation with the Secretary for the Environment, Transport and Works, keep in view overseas practices and new technology to combat drink driving.*

## Use of automated speed enforcement cameras

### 9. *Scope for further extending the use of automated speed enforcement cameras.*

Audit notes that the Police regularly carries out speed enforcement operations using manually-operated speed detectors. Compared to automated speed enforcement cameras (SECs), manually-operated speed detectors are more labour-intensive. They can only cover a very small section of a road at any one time. As police surveillance at a particular location can only last for a short duration, the deterrent effect on speeding is short-lived. As at 31 December 2005, 10 automated SECs were installed at 85 locations on a rotational basis. The SEC-to-location ratio of 1 to 8.5 was low, when compared to the red-light camera (RLC) to location ratio of 1 to 4. Audit considers that a low SEC-to-location ratio reduces the likelihood of catching speeding vehicles. *Audit has recommended that the Secretary for the Environment, Transport and Works should, in consultation with the Commissioner for Transport and the Commissioner of Police, consider extending the use of automated SECs and increasing the number of automated SECs.*

10. *Illegible vehicle registration mark.* Audit noted that, of the 170,000 cases caught by automated SECs and RLCs between October 2004 and September 2005, 5,400 (3%) had to be withdrawn because the vehicle registration marks were illegible. *Audit has recommended that the Commissioner for Transport should, in consultation with the Commissioner of Police, work out a practicable solution to ensure the legibility of vehicle registration mark.*

11. *Inaccurate driver and vehicle owner records.* Of the 18,000 cases caught by automated SECs and RLCs in October 2005, the address records of 3,000 (17%) cases were inaccurate. Audit notes that while drivers and vehicle owners are required by law to notify the TD of any change of address, no enforcement action can be taken against persons who have failed to do so. *Audit has recommended that the Commissioner for Transport should expedite the remedial actions that the TD has agreed to take to ensure that the driver and vehicle owner records kept by the TD are accurate and up-to-date.*

12. *Driving too close to the vehicle in front.* Tailgating (i.e. the demeanour of driving too close to the vehicle in front deliberately at a considerable speed) can be dangerous. Presently, the Police mainly uses laser guns for gathering evidence of tailgating. Audit notes that in some countries, automated enforcement systems are used to gather evidence of tailgating. Deployment of such systems can enhance the deterrent effect on tailgating and help improve road safety. *Audit has recommended that the Commissioner of Police should, in consultation with the Secretary for the Environment, Transport and Works, keep in view overseas practices in taking enforcement action against tailgating and consider carrying out feasibility studies of using automated systems to gather evidence of tailgating.*

## Measures to promote seat belt wearing

13. **Publicity campaign.** Audit noted that in the first ten months of 2005, Announcements in the Public Interest (APIs) promoting seat belt wearing in public light buses were broadcast, on average, about twice a week on each non-pay television channel and 2.5 times a week on each radio channel. Such APIs had reached 97% of the targeted viewers for the twelve-month period ended 31 July 2005. Among them, 92% saw these APIs 3 times, 64% 10 times and 33% 20 times. Despite such high viewing rates and broadcasting frequency, many public light bus passengers still do not wear a seat belt. *Audit has recommended that the Secretary for the Environment, Transport and Works should, in consultation with the Commissioner for Transport, the Commissioner of Police and the Director of Information Services, consider carrying out periodic surveys on seat belt wearing rate for assessing the effectiveness of publicity campaign and enforcement action.*

14. **Penalties on non-compliance with seat belt legislation.** A passenger who is caught not wearing a seat belt is summonsed to appear in court and is liable to a fine of \$5,000 and imprisonment for three months. However, drivers who are caught for the same offence are only liable to a fixed penalty of \$320. The prosecution of passengers by summonses creates additional workload for the Police, the Department of Justice, and the courts. *Audit has recommended that the Secretary for the Environment, Transport and Works should, in consultation with the Commissioner for Transport and the Commissioner of Police, consider the feasibility of classifying passenger seat belt offence as a scheduled offence which may be dealt with by issuing fixed penalty tickets.*

15. **Extending the seat belt legislation to other types of vehicles.** Audit considers that given the proven benefit of seat belt wearing in reducing road accident casualties, the feasibility of extending the seat belt legislation to seated passengers of other types of vehicles (e.g. rear seat passengers of goods vehicles and private light buses) is worth examining. *Audit has recommended that the Secretary for the Environment, Transport and Works should, in consultation with the Commissioner for Transport and the Commissioner of Police, consider the feasibility of extending the requirement for seat belt wearing to passengers of other types of vehicles.*

## Response from the Administration

16. The Administration has accepted all the audit recommendations.

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