

# 立法會 *Legislative Council*

LC Paper No. CB(1)863/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/TP/1

## **Panel on Transport**

### **Minutes of meeting held on Friday, 19 December 2003, at 10:00 am in the Chamber of the Legislative Council Building**

**Members present** : Hon LAU Kong-wah, JP (Chairman)  
Hon Andrew CHENG Kar-foo (Deputy Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Kwok-keung, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Miriam LAU Kin-ye, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP  
Hon WONG Sing-chi  
Hon LAU Ping-cheung

**Member absent** : Hon LAU Chin-shek, JP

**Public Officers  
attending** : **Agenda Item IV**

Environment, Transport and Works Bureau

Ms Annie CHOI  
Deputy Secretary for the Environment, Transport and Works (T)3

Ms Elizabeth TAI  
Acting Principal Assistant Secretary for the Environment,  
Transport and Works

Mr C S WAI  
Secretary to the Tuen Mun Road Traffic Incident  
Independent Expert Panel  
(Principal Assistant Secretary for the Environment,  
Transport and Works (Works))

Highways Department

Mr C K MAK  
Director of Highways

Mr Thomas WONG  
Assistant Director of Highways/Headquarters

Transport Department

Mr K K LAU  
Deputy Commissioner for Transport/Planning & Technical  
Services

Mr T F LEUNG  
Chief Engineer/Road Safety and Standards

Hong Kong Police Force

Mr Dave LING  
Chief Superintendent of Police  
(Traffic Branch Headquarters)

Mr Patrick YEOW  
Superintendent of Police (Law Revision & Research)

**Agenda Item V**

Environment, Transport and Works Bureau

Mr Arthur HO  
Deputy Secretary for the Environment, Transport and Works (T)2

Mr Patrick HO  
Principal Assistant Secretary for the Environment, Transport  
and Works

Transport Department

Ms Carolina YIP  
Assistant Commissioner for Transport/Bus & Railway

Mr Albert YUEN  
Principal Transport Officer/Bus & Railway

**Attendance by  
invitation**

**: Agenda Item V**

The Association of N.T. Radio Taxicabs Ltd.

Mr LAM Kwai-keung

The Fraternity Association of N.T. Taxi Merchants

Mr HO Chi-kan

Hong Kong Tele-call Taxi Association

Mr WONG Yu-ting

N.T. Taxi Merchants Association Ltd.

Mr LAM Lu-cheong

Ms CHAN Oi-lin

Public Vehicle Merchants Fraternity Association

Mr HUI Koon-wah

Sai Kung Taxi Operators Association Ltd.

張賢先生

Sun Hing Taxi Radio Association

Mr IP Yiu-leung

Tang's Taxi Companies Association Ltd.

Ms Katherine KWOK

Taxi Drivers & Operators Association Ltd.

Mr CHENG Hak-wo

Mr NG Kwan-sing

NT Taxi Operations Union

Mr CHAN Shu-sang

Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.

Mr MAN Hon-ming

Mr WONG Po-keung

The Hong Kong Taxi & Public Light Bus Association Ltd.

Mr TRAN Chau

Mr NG Fong

Rambo Taxi Owners Association Ltd.

Mr LEE Chi-leung

The Taxi Operators Association Ltd.

Mr LEUNG Shiu-cheong

United Friendship Taxi Owners & Drivers Association Ltd.

Mr AU-YEUNG Kan

Urban Taxi Drivers Association Joint Committee Co. Ltd.

Mr KWOK Chi-piu

Wai Fat Taxi Owners Association Ltd.

Mr TONG Yeuk-fung

Hong Kong Kowloon and New Territories Public & Maxicab  
Light Bus Merchants' United Association

Mr LEUNG Hung

Mr LAI Ping-lun

HK Public-Light Bus Owner & Driver Association

葉慶華先生

Mr LAI Ming-hung

Lam Tin Wai Hoi Public Light Bus Association

Mr NGAI Chor

Lei Yue Mun Ko Chiu Road Public Light Bus Merchants  
Association Ltd.

Mr POON Shing-cho

Motor Transport Workers General Union

Mr AU-YEUNG Ming

Tuen Mun PLB Association

Mr CHUNG Sai-hing

Mr LEUNG Chi-wai

Hong Kong Scheduled (GMB) Licensee Association

Mr WONG Man-kit

Mr Vincent WONG

The Environmental Light Bus Alliance

Mr CHAN Man-chun

的士、小巴權益關注大聯盟

Mr TSE Kin-wai

宋國明先生

Public Light Bus General Association

Mr NG Mou-shing

Public Omnibus Operators Association Ltd.

Mr YEUNG Wai-hung

Mr WONG Leung-pak

**Clerk in attendance :** Mr Andy LAU  
Chief Council Secretary (1)2

**Staff in attendance :** Ms Alice AU  
Senior Council Secretary (1)5

Mr Anthony CHU  
Council Secretary (1)2

Miss Winnie CHENG  
Legislative Assistant 5

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- I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)589/03-04 - Minutes of meeting held on 28 November 2003)

The minutes of meeting held on 28 November 2003 were confirmed.

- II Information papers issued since last meeting**  
(LC Paper No. CB(1)506/03-04 - New Lantao Bus Company (1973) Limited - Fuller Disclosure of Financial and Operational Information; and  
LC Paper No. CB(1)560/03-04(01) - Administration's response to the submission from the Motor Transport

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Workers General Union Taxi Driver  
Branch on Addressing the problem of  
fare-bargaining by taxi passengers)

2. Members noted the above information papers issued since last meeting.

**III Items for discussion at the next meeting scheduled for 30 January 2004**

(LC Paper No. CB(1)586/03-04(01) - List of outstanding items for  
discussion

LC Paper No. CB(1)586/03-04(02) - List of follow-up actions)

3. Members noted that the next regular Panel meeting would be held immediately after the House Committee meeting scheduled for 2:30 pm on 30 January 2004, instead of 10:45 am as originally scheduled, in order to avoid a clash with another Bills Committee meeting. They further agreed that the following items as proposed by the Administration would be discussed at that meeting:

- (a) Traffic impact on Tuen Mun Road upon the commissioning of Shenzhen Western Corridor and Deep Bay Link;
- (b) Proposed regulatory scheme for the vehicle maintenance trade; and
- (c) Establishment of a cross-boundary ferry terminal in Tuen Mun.

4. The Chairman invited members to note that the Panel's Policy Briefing for the Chief Executive's 2004 Policy Address would be held on 14 January 2004, from 8:30 am to 9:30 am.

**IV Report on Enhancement of Highway Safety**

(LC Paper No. CB(1)586/03-04(03) - Information paper provided by the  
Administration; and

LC Paper No. CB(1)455/03-04(01) - "Report on Enhancement of Highway  
Safety" by the Tuen Mun Road Traffic  
Incident Independent Expert Panel)

5. The Chairman recapped that the item was last discussed at the special meeting held on 5 December 2003 where members were briefed by the Tuen Mun Road Traffic Incident Independent Expert Panel (the Expert Panel) on the key recommendations made in the Report on Enhancement of Highway Safety (LC Paper No. CB(1)455/03-04(01)). The Administration undertook to revert to the Panel on its assessment of and plan to take forward the recommendations at the present meeting.

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6. The Deputy Secretary for the Environment, Transport and Works (T)3 (DS for ETW(T)3) apologized for the late submission of the Administration's paper (LC Paper No. CB(1)586/03-04(03), given the short period allowed for the Administration to respond to the large number of recommendations released on 5 December 2003. She then took members through the Administration's implementation plan to take forward the Expert Panel's recommendations under different key areas.

*(Post-meeting note: The Chinese version of the Administration's paper and a diagram illustrating various technical improvements to be made to vehicular parapets were tabled at the meeting and subsequently issued to members vide LC Paper No. CB(1)639/03-04.)*

### Road safety enhancement for Tuen Mun Road and other priority locations

7. DS for ETW(T)3 advised that as a result of the Expert Panel's recommendation, the Tuen Mun Road reconstruction and improvement project (the Project) would begin in mid-2005, i.e. six months earlier than originally planned.

8. Ir Dr Raymond HO referred to the unsatisfactory condition at various sub-standard sections of Tuen Mun Road, such as those sections where the width of the carriageway or hard shoulder was not up to current standards, or where no hard shoulder was provided, and stressed the urgency for early implementation of the Project so as to bring about safety assurance to both road users and nearby residents. In the same light, he also called on the Administration to take forward as early as possible the proposed package of immediate and longer term improvement works for 39 high priority locations along 16 roads identified as having similar characteristics as the July incident site.

9. Expressing similar views, Mr Albert CHAN called on the Administration to give priority to carrying out improvement works at specific locations of Tuen Mun Road with hidden danger to motorists such as sharp bends, and sudden and strong crosswinds.

10. DS for ETW(T)3 responded that the Administration shared members' concern for bringing about early improvements to Tuen Mun Road and other high priority locations. Apart from advancing the Project, the Transport Department (TD) and the Highways Department (HyD) would work together and identify possible measures to further shortening the construction period. In preparing for the Project, HyD would also conduct a comprehensive review of the alignment and design of Tuen Mun Road to identify areas for further improvement to bring the entire road up to current expressways standards. The Director of Highways supplemented that in order to do so, improvements would be sought to bring certain sections of Tuen Mun Road on par with current design standards in respect of sight distance, width of carriageway and hard shoulders, etc. The works involved would be quite complicated due to various topographical constraints and the need to maintain traffic during construction.



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11. For the 39 priority locations, DS for ETW(T)3 said that the Administration would consider various short to medium term enhancement works to parapets and barriers as outlined in paragraph 40 of the Administration's paper. Subject to funding approval from the Finance Committee, the Administration would strive to complete the works by end-2005.

12. Speaking in his capacity as the Chairman of the Public Works Subcommittee, Ir Dr Raymond HO said that every assistance would be made to ensure the timely consideration of any necessary funding proposals from the Administration. Nonetheless, he opined that the Administration should be able to complete the local improvements contemplated for the 39 priority locations well before 2005.

### Vehicular parapet design

13. Mr WONG Sing-chi considered that the Administration should always add an extra margin of safety when contemplating the provision of vehicular parapets. In this respect, he encouraged the Administration to give priority to developing parapets that could meet different containment requirements. Sharing similar views, Mr CHENG Kar-foo said that in the meantime, the Administration should ensure the early implementation of the proposed technical measures to strengthen existing parapets.

### Driving behaviour

14. Mr TAM Yiu-chung expressed support for the proposed Skills Upgrading Scheme for the passenger services transport trades so as to instill good driving practices among professional drivers.

15. Mr CHENG Kar-foo concurred with the overall direction of the Administration's proposed measures to take forward the Expert Panel's recommendations under different key areas, and called on their early implementation to enhance road safety. In particular, he said that the Administration should expedite the necessary legislative amendments to require drivers who had accumulated a certain number of Driving Offence Points to attend the Driver Improvement Scheme (DIS) on a mandatory basis, and to extend the probationary driving licence arrangement to cover new private car and light goods vehicle drivers.

16. While acknowledging the potential road safety benefits of extending the probationary driving licence arrangement to cover new private car and light goods vehicle drivers, Mrs Selina CHOW cautioned that more comprehensive consideration was required on how to take forward the proposal. If the insurance premium of new drivers was increased as a result of the proposal, it might achieve the opposite effect of preventing them from obtaining on-the-road practical experience.

17. Mr LEUNG Fu-wah was dissatisfied that the Administration had not given due regard to the issue of fatigue driving of professional drivers as a major cause of traffic

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accidents in Hong Kong. Apart from reviewing the working hours of bus drivers as stated in paragraph 17(c) of the paper, he stressed that the same emphasis should be given to the working conditions of other professional drivers. As far as he knew, some green minibus (GMB) drivers were employed on a profit sharing basis and they did not receive any basic salary. In order to maintain a decent income, they were induced to work excessive hours or drive faster so as to complete more trips. TD as the regulator of GMB services should exercise due supervision on the operators. Furthermore, he was of the strong view that TD should conduct further research on this fundamental question in collaboration with the Labour Department so as to arouse awareness in the community.

18. Mr CHENG Kar-foo also said that from a wider perspective, the Administration should consider this issue in the context of legislative amendments to set up maximum working hours and minimum wage requirements in Hong Kong.

19. DS for ETW(T)3 noted the suggestions and views expressed by members on ways to take forward the relevant proposals. She advised that TD and the Police would step up publicity among professional drivers on the need to avoid driving for prolonged hours without adequate rest. However, it would be very difficult for the Administration to impose any control on the working hours of self-employed professional drivers. For bus drivers, TD had already required the franchised bus companies to conduct an overall safety review which include reviewing the guidelines on the working hours of bus drivers in consultation with their staff. As far as the relationship between the working hours and the problem of fatigue driving of other professional drivers, the Administration would need to further consider the issues involved. Nonetheless, she agreed that TD would look into the concerns raised by Mr LEUNG Fu-wah, and further examine if fatigue was a major contributory factor of traffic accidents.

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20. Mr CHENG Kar-foo suggested that as a matter of priority, the Administration should conduct a trial to ascertain the effectiveness of installing flashing green countdown displays for motorists in Hong Kong as an additional tool to facilitate the compliance of drivers to stop before red lights.

21. In reply, DS for ETW(T)3 said that the effectiveness of countdown devices for motorists was inconclusive. Some overseas experiences indicated that such a device might increase the risk of accidents at road junctions as motorists might react differently in the last few seconds of the green signal of traffic lights. Motorists who decided to speed through the junction would subject the pedestrians there to greater danger. Nonetheless, the Administration would keep this matter in view.

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### Legislation and enforcement

22. Mr WONG Sing-chi was gravely disappointed that notwithstanding repeated warnings from members and the community, the Administration had failed to make real efforts to take forward various legislative changes necessary to combat undesirable driving behaviour, in particular tailgating and speeding, until the July tragic incident happened. Referring to the proposal to create a new offence against tailgating, he enquired about the Administration's consideration on how to overcome the practical problems in respect of the enforceability of such a restriction.

23. DS for ETW(T)3 stated that the Administration had always considered that comprehensive legislation and effective enforcement were instrumental in combating undesirable driving behaviour. As such, on-going efforts had been made to seek continuous improvements. Even before the July incident and the publication of the Expert Panel's Report, the Police had been considering various legislative amendments which included introducing a new offence against tailgating and simplifying the prosecution procedure for some common traffic offences by using the fixed penalty system. The installation of speed enforcement cameras was also an on-going initiative to deter speeding.

24. Mrs Selina CHOW said that apart from speeding, the Administration should also ensure that due emphasis was placed to combat other improper driving behaviour such as tailgating, inappropriate lane changing or failing to confine to the nearside lane. Resource allocation should be made accordingly to target more predominant causes of traffic accidents. Highlighting the importance of proper driver training, she suggested that the Administration might need to review the driving test standards and requirements so that these aspects were adequately tested.

25. As regards the technical means to detect tailgating, the Chief Superintendent of Police (Traffic Branch Headquarters) explained that currently, radar guns would be used to keep track of the travelling speed, time and distance of the offending vehicle and the vehicle in front. If the offending vehicle was not keeping a safe distance as measured by the "two-second rule", the driver would be stopped and either issued with a written warning or prosecuted for "Careless Driving". As the procedures were rather cumbersome, the Police had been exploring the viability of making tailgating an offence and simplifying both the prosecution procedures and evidential requirements.

26. Mr WONG Sing-chi nonetheless called on the Administration to further explore the use of advanced technologies to ensure effective enforcement. Mr Albert CHAN suggested that reference should be made to the practice of some overseas countries which imposed specific distances for different categories of vehicles and speed limits in the determination of what constituted a "safe distance".

27. Mr Albert CHAN cautioned the importance of avoiding any changes that would make the existing penalty system overly harsh, especially on the professional drivers. A

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certain flexibility should be maintained to allow for first-time offenders to be issued with written warnings instead of prosecution.

28. Mr CHENG Kar-foo however considered that there should be absolutely no compromise in terms of road safety. As such, he supported the Administration's proposal to create a new offence against tailgating to ensure effective enforcement against this undesirable driving behaviour. The Administration should expedite preparation work and present the relevant proposal for early consideration by members.

### Publicity and education on road safety

29. Mr LAU Ping-cheung remarked that road safety publicity might not always achieve the desired result in Hong Kong's busy environment. Instead, the Administration could consider a "carrot-and-stick" approach to combat undesirable driving behaviour. On one hand, financial incentives (such as petrol or tunnel coupons sponsored by the private sector) could be given to drivers who had maintained a clean driving record within a certain period of time. On the other hand, additional penalties, including the mandatory requirement to attend the DIS, could be imposed for repeated offenders.

30. Mrs Selina CHOW considered that more emphasis should be placed on educating the motorists, in particular new drivers and the so-called "Sunday drivers", the importance of adhering to the good driving practices as set out in the Road Users' Code. In this connection, she said that radio was a preferred channel of disseminating road safety messages than television.

31. Ms Miriam LAU pointed out that road safety could only be achieved through concerted efforts of all road users. Although professional drivers might seem more prone to traffic accidents, it was mainly because they were always on the road. Therefore, it was unfair to make them a target whenever the issue of road safety was brought to public attention.

32. Noting the views and suggestions made by members, DS for ETW(T)3 said that the Administration had always placed great emphasis on promoting road safety concepts and building awareness among all drivers through sustainable publicity programmes conducted by the Road Safety Council (RSC) to improve driving behaviour. Comprising both government and non-government representatives, RSC was responsible for developing the annual road safety campaign, as well as monitoring and co-ordinating publicity activities. In response to the Expert Panel's recommendation, RSC would consider ways to measure the effectiveness of the publicity campaign properly to ensure that appropriate promotional strategies were adopted.

33. Ms Miriam LAU referred to some public suggestion that the membership of RSC should be extended to include representatives of transport trade associations so as to

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improve communication. She also said that RSC should consider allocating resources to organize joint publicity activities with the transport trades.

34. In response, DS for ETW(T)3 invited members to note that the suggestion of extending the membership of RSC had been considered by the Expert Panel. The Expert Panel was of the view that it was more appropriate to maintain the flexibility in RSC's appointments as RSC's work did not focus on matters relating to specific trades. At present, there were also regular liaison forums between TD and different transport trades (taxi, public light bus, goods vehicles) to facilitate communication.

35. Notwithstanding the Administration's explanation, Ms Miriam LAU pointed out that the focus of the liaison between TD and different transport trades were on operational matters and not on road safety issues. She considered that the Administration should actively consider increasing its communication channels with the transport trades on road safety issues so as to tap from their valuable experience.

### Traffic engineering and management

36. Mrs Selina CHOW considered that the Administration should seek continuous improvements to directional signs both in terms of quantity and clarity. This was especially important for the "Sunday drivers" who were not always familiar with the way around. Expressing similar views, Mr TAM Yiu-chung suggested that it would be useful for the Administration to provide more channels for collecting views from professional drivers on ways to improve the design and safety of highways.

37. Noting the members' views, DS for ETW(T)3 said that on-going efforts would continue to be made by TD to review the standards of directional signing adopted in Hong Kong and to seek improvements where necessary.

## **V Policy on non-franchised bus services**

(LC Paper No. CB(1)586/03-04(14) - Information paper provided by the Administration)

38. The Chairman welcomed the representatives from transport trades associations to the meeting. He then invited the deputations to take turn and present their views on the Administration's policy on non-franchised bus (NFB) services. An information paper provided by the Administration was at LC Paper No. CB(1)586/03-04(14). Members also noted the submission from Traffic Services Employees Association (LC Paper No. CB(1)586/03-04(12)) which was unavailable to attend the meeting.

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### Meeting with deputations/the Administration

#### *The Association of N.T. Radio Taxicabs Ltd.*

39. Mr LAM Kwai-keung of the Association of N.T. Radio Taxicabs Ltd. expressed concern about the proliferation of NFB services, in particular contract hire service (A08) and student service (A03) which saw an increase of 120% and 40% respectively over the past five years between 1998 and 2003. He pointed out that as TD tightened the approval of new Residents' Service (RS) applications, some NFB operators had resorted to operate unauthorized long-term A08 services instead. This had already taken away the vital "living space" of New Territories taxi operators and drivers. He was also worried that as the demand for student service dwindled as a result of declining birth rate and the conversion of half-day primary schooling to whole-day schooling, the excessive NFBs would likewise operate unauthorized A08 services.

40. As a wider policy issue, Mr LAM said that with the Government's policy to accord priority to railway and franchised buses, coupled with the proliferation of authorized NFB services, taxis operators could no longer maintain viable operation. In order to maintain the orderly operation of the public transport market, the Administration should urgently review the role and function of taxis vis-à-vis other public transport modes in Hong Kong's public transport services sector.

#### *The Fraternity Association of NT Taxi Merchants*

41. Mr HO Chi-kan of the Fraternity Association of NT Taxi Merchants highlighted the plight of NT taxi drivers and operators, and said that the unauthorized A08 services had seriously affected their businesses in Yuen Long and Tuen Mun. If no urgent actions were taken by the Administration, he was worried that many NT taxi drivers and operators would be forced out of business and this would create more unrest in the community.

42. Mr HO further said that the unauthorized A08 services were operated without fixed route or stops. Many NFBs were installed with Octopus fare deducting processor for collecting fares from the passengers on the spot. All these were blatant violations of the operating conditions of A08 endorsement. However, due to the grey area in existing legislation, the Administration could not take effective enforcement actions against the violators.

#### *Hong Kong Tele-call Taxi Association*

43. Mr WONG Yu-ting of Hong Kong Tele-call Taxi Association pointed out that NT taxi trade associations were always concerned about the proliferation of NFB services, and the matter had been raised repeatedly during their regular conferences with TD. The rapid increase of NFBs and the proliferation of unauthorized NFB operation in recent years had upset the orderly operation of the public transport market because the

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operation of NFBs was not subject to any licence premium as taxis. Moreover, their insurance premium was much lower. All these had put taxi operators under unfair competition. Expressing grave dissatisfaction that no concrete action had been taken by the Government to tackle the problem which had caused the licence premium of NT taxis to plummet, he was strongly of the view that the Government should compensate NT taxi operators for their losses incurred as a result of the confusing state of the public transport market.

44. Mr WONG further said that with the increasing capacity of public transport services brought by new railways and improved franchised bus services, the Administration should critically review the scope and function of NFB services, in particular RS which were meant initially to be a "stop gap" measure in areas where inadequate public transport services were provided. As the first step, TD should clearly differentiate between the scope of different types of NFB services under A01 to A08 endorsements, and ensure that NFBs could not go beyond their permitted scope of operation.

*N.T. Taxi Merchants Association Ltd.*

45. Expressing agreement with the general view and observation made by other deputations, Ms CHAN Oi-lin of N.T. Taxi Merchants Association Ltd. said that the problem of unauthorized NFB operation was especially serious in Tin Shui Wai during the morning peak. These unauthorized NFBs operated both long-haul and short-haul routes and had directly affected the livelihood of NT taxi operators in the area. With the commissioning of Light Rail Tin Shui Wai Extension and West Rail, the viable operation of NT taxis would be further affected. She thus called on concerted efforts from all parties concerned to address the problem properly.

*Public Vehicle Merchants Fraternity Association*  
[LC Paper No. CB(1)586/03-04(04)]

46. Mr HUI Koon-wah of Public Vehicle Merchants Fraternity Association referred to the enforcement statistics given at Annex B to the Administration's paper and was dissatisfied with the sparing cases of enforcement actions taken by the Administration. He suggested that apart from stepping up enforcement against unauthorized NFB operation, TD should also tighten the licensing arrangements for both new and renewal applications so that unauthorized NFBs could be displaced gradually.

*Sai Kung Taxi Operators Association Ltd.*

47. 張賢先生 of Sai Kung Taxi Operators Association Ltd. suggested that TD should require NFB operators to submit individual application for A08 endorsement so that more stringent monitoring could be exercised against unauthorized NFB operators.

*Sun Hing Taxi Radio Association*

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*[LC Paper No. CB(1)594/03-04(01)]*

48. Mr IP Yiu-leung of Sun Hing Taxi Radio Association took the view that as a result of the grey area in existing legislation, proliferation of unauthorized NFB operation created a crippling impact on the viable operation of NT taxi drivers and operators. In this connection, the Administration should urgently formulate further measures to help improve the operating environment of the NT taxi trade.

*Tang's Taxi Companies Association Ltd.*

49. Speaking on behalf of Mr TANG Pak-wing, Chairman of Tang's Taxi Companies Association Ltd., Ms Katherine KWOK called on concerted efforts from all parties concerned to address the livelihood issues caused to the NT taxi trade as a result of the proliferation of NFB operation.

*Taxi Dealers & Owners Association Limited*

*[LC Paper No. CB(1)586/03-04(05)]*

50. Mr NG Kwan-sing of Taxi Dealers & Owners Association Limited said that the taxi trades were always concerned about the proliferation of unauthorized NFB operation. In August 2002, the Commissioner for Transport had undertaken to set up a dedicated task force to review the matter and step up enforcement against unauthorized NFB operators. But regrettably, only limited action had been taken to date while the number of the registered fleet size of NFBs had been increasing during the period. He said that the taxi trades were gravely disappointed by the Administration's procrastination in tackling the problem of unauthorized A08 services, and they were not hopeful that any favourable outcome would emerge from the Transport Advisory Council (TAC)'s review on the regulatory framework and licensing system for NFB operation. Instead of waiting until TAC completed its review, the Administration should, as a matter of priority, taking steps to introduce legislative amendments to address the grey area in existing legislation against A08 services.

*NT Taxi Operations Union*

51. Mr CHAN Shu-sang of NT Taxi Operations Union referred to the submission tabled at the meeting and highlighted the following points for members' consideration:

- (a) TD, as a result of its outdated policy and lack of proper regulation, had allowed unauthorized NFB operation to proliferate.
- (b) The Administration should urgently conduct a review on its outdated NFB licensing policy with a view to restoring the order of the public transport market and safeguarding the interest of the taxi trades.



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- (c) The Administration should set up a dedicated working group to co-ordinate matters in relation to the regulation, operation and licensing of NFB services. Membership of this working group should include representatives of the taxi trades so as to safeguard the interest of the trades.
- (d) TD should stop issuing new A08 licences while the 14-day exemption from prior approval for free bus service (FBS) should be tightened or cancelled.
- (e) The Administration should step up enforcement against unauthorized NFB operation. Relevant statistics should be published regularly to facilitate public monitoring. The number of NFB fleet should also be reduced by tightening the licensing arrangements.

(Post-meeting note: The submission from NT Taxi Operations Union was subsequently issued to members vide LC Paper No. CB(1)639/03-04(02).)

*Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.*

52. Mr MAN Hon-ming of Hong Kong Kowloon Taxi & Lorry Owners Association Ltd. referred to the chaotic state of the public transport market caused as a result of the proliferation of unauthorized NFB operation. Many NFB operators were in fact operating services that went beyond their permitted scope of operation. The living space of the taxi trades as well as other public transport modes had been seriously affected. Sharing other deputations' view that the licensing arrangements of NFB operation, in particular the automatic granting of A08 endorsement and the 14-day exemption from prior approval for FBS should be tightened, Mr MAN called on members to exercise monitoring on the Administration's progress in tackling the problem as well as TAC's review. He also said that the Administration should ensure that the travelling public was aware of the implication of insurance coverage in the event of accidents involving unauthorized NFB operation.

*The Hong Kong Taxi & Public Light Bus Association Limited*  
[LC Paper No. CB(1)586/03-04(06)]

53. Mr TRAN Chau of the Hong Kong Taxi & Public Light Bus Association Limited shared other deputations' grave concern about the long-standing problem of proliferation of NFB operation. He hoped that TAC's review to be completed in six months' time would provide useful insights and suggestions to tackle the problem at source so that the orderly operation of the public transport market could be restored.

*Rambo Taxi Owners Association Ltd.*

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54. Concurring with the general view expressed by other deputations, Mr LEE Chi-leung of Rambo Taxi Owners Association Ltd. called on the Administration to take early and effective actions to tackle the problem so as to improve the viable operation of the taxi trades.

*The Taxi Operators Association Limited*

55. Mr LEUNG Shiu-cheong of The Taxi Operators Association Limited highlighted the traffic problems caused by the operation of unauthorized NFB services, such as along Lockhart Road in Causeway during the evening peak. Considering that TAC should play a more active role in ensuring the co-ordination of public transport services in Hong Kong, he called on the parties concerned including TAC, the Administration, Members of the Legislative Council and transport trades associations to make concerted efforts to tackle the problem.

*United Friendship Taxi Owners & Drivers Association Ltd.*

56. Speaking on behalf of Hong Kong and Kowloon Taxi Merchants' Joint Committee of which United Friendship Taxi Owners & Drivers Association Ltd. was a member association, Mr AU-YEUNG Kan reiterated the difficult operating conditions of the taxi trades caused as a result of the proliferation of unauthorized NFB operation, and expressed disappointment with the lack of effective enforcement actions taken by the Administration. He made the following suggestions on how the problem should be tackled:

- (a) The Administration should step up enforcement against unauthorized NFB operation.
- (b) TD should tighten the restrictions on A08 endorsement while the 14-day exemption from prior approval for FBS should be cancelled with immediate effect.
- (c) TAC should set up a dedicated working group to consult the taxi trades on the Administration's NFB licensing system so as to improve transparency.

*(Post-meeting note: A submission from Hong Kong and Kowloon Taxi Merchants' Joint Committee as presented by Mr AU-YEUNG Kan was tabled at the meeting and subsequently issued to members vide LC Paper No. CB(1)639/03-04(03).)*

*Urban Taxi Drivers Association Joint Committee Co. Ltd.*  
*[LC Paper No. CB(1)586/03-04(07)]*

57. Mr KWOK Chi-piu of Urban Taxi Drivers Association Joint Committee Co. Ltd. considered that if properly regulated, the different types of NFB services under A01 to

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A08 endorsements should be able to perform its function of providing tailor-made service to specific groups of passengers. However, the lack of proper regulation from TD had made it possible for some NFB operators to operate beyond their permitted scope of services and caused confusion to the public transport market. He also expressed disappointment with the lack of positive actions taken by TAC and the Police in addressing this long-standing problem.

58. Considering that the crux of the problem was that NFB operators could collect fares from boarding passengers, Mr KWOK made the following suggestions on how this problem could be tackled:

- (a) The Administration should ensure that authorized and unauthorized NFB services were readily distinguishable. Each type of NFB services should be given a clear indication to prevent the vehicles from being used for other types of services.
- (b) The Administration should prohibit all NFB operators from collecting fares from boarding passengers.
- (c) The Administration should step up enforcement against unauthorized NFB operation and consider imposing heavier penalties against the offenders.

*Wai Fat Taxi-owners Association*

59. Mr TONG Yeuk-fung of Wai Fat Taxi-owners Association said that he had nothing to add to the views expressed by other deputations.

*Hong Kong Kowloon and New Territories Public & Maxicab Light Bus Merchants' United Association*  
[LC Paper No. CB(1)586/03-04(08)]

60. Mr LEUNG Hung of Hong Kong Kowloon and New Territories Public & Maxicab Light Bus Merchants' United Association stressed that the Association was not targeting the operation of authorized NFB services. However, the problem of increasing NFB operating as "Club Members' Service" which provided point-to-point services similar to those of public light buses (PLBs) merited special attention. Apart from affecting the livelihood of the taxi and public light bus trades, unauthorized NFB services might also create potential risks to passengers in respect of their insurance coverage. He thus made the following suggestions for members' consideration:

- (a) The Administration should simplify the prosecution procedures against unauthorized NFB operation.

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- (b) The Administration should take immediate actions to fill the lacuna in existing legislation in respect of the 14-day exemption from prior approval for FBS.
- (c) The Administration should set down clear operating conditions and scope of operation for A08 service.
- (d) The Administration should improve the design of existing licence plates so that each type of NFB services could be clearly identifiable. The Administration should also step up publicity against "Club Members' Service" which was also a form of unauthorized NFB service.
- (e) The Administration should review its transport policy so that each mode of public transport had a clear and distinct role to play in the market.

*HK Public-Light Bus Owner & Driver Association*  
[LC Paper No. CB(1)586/03-04(09)]

61. Concurring with the general view expressed by other deputations, Mr LAI Ming-hung of HK Public-Light Bus Owner & Driver Association stressed that unauthorized NFB operation had seriously undermined the orderly operation of the public transport market, affecting the livelihood of many law-abiding taxi and PLB drivers and operators.

*Lam Tin Wai Hoi Public Light Bus Association*

62. Mr NGAI Chor of Lam Tin Wai Hoi Public Light Bus Association expressed grave dissatisfaction that the Administration had been turning a blind eye to unauthorized NFB operation. He called on the Administration to take urgent actions to tackle the problem.

*Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.*

63. Mr POON Shing-cho of Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd. considered that unauthorized RS services should be abolished. In order to meet the transport needs of the residents, red minibuses (RMBs) should be allowed to operate to new housing developments in the New Territories.

*Motor Transport Workers General Union*  
[LC Paper No. CB(1)586/03-04(10)]

64. Mr AU-YEUNG Ming of Motor Transport Workers General Union said that the General Union fully respected the operating right of authorized NFB operators. But it was also concerned about the proliferation of unauthorized NFB operation which had seriously undermined the interest of other law-abiding transport operators. TD as the

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regulator had clearly failed to maintain NFB services at an optimum level by issuing an excessive number of NFB endorsements over the years. Without proper regulation from TD, some operators had abused the flexibility allowed to NFB operation under A08 endorsements. To tackle the problem, the General Union put forward the following suggestions for the Administration's to consider:

- (a) The Administration should take immediate actions to address the grey area in existing legislation so as to improve the licensing system and regulatory framework for NFB operation.
- (b) The Administration should conduct an overall review on the roles and functions to be performed by different modes of public transport so that a right balance could be maintained between their respective interests.
- (c) Operators of RS should be required to display their operating schedules in a prominent location on the front window so as to facilitate enforcement by the Police.
- (d) Operators of contract hire services should also be required to apply for a temporary approval. The Administration should make available 24-hour on-line application services to facilitate their operation. Operation of any NFB services for more than three days with fixed route and stops must require prior written approval from TD. All approvals should be displayed in a prominent location on the front window.

### *Tuen Mun PLB Association*

65. Mr CHUNG Sai-hing of Tuen Mun PLB Association said that he had nothing to add to the views and suggestions made by other deputations.

### *Hong Kong Scheduled (GMB) Licensee Association*

66. Mr WONG Man-kit of Hong Kong Scheduled (GMB) Licensee Association echoed the grave concern raised by other deputations in respect of unauthorized NFB services under the pretext of "Club Members' Service". He thus called on the Administration to step up enforcement against such unauthorized operation and consider imposing heavier penalties against the offenders such as the suspension of other NFB endorsements issued to the offending vehicle. Moreover, the time taken for TAC to complete its review was too long. Instead of six months, the review should be completed within three months. The Administration should also set up a panel comprising representatives of the transport trades to monitor and provide input to TAC's review so as to increase transparency.

### *The Environmental Light Bus Alliance* [LC Paper No. CB(1)607/03-04(01)]

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67. Mr CHAN Man-chun of the Environmental Light Bus Alliance concurred with the general view expressed by other deputations in tackling the unauthorized NFB operation. In particular, he considered that the scope of TAC's review should be extended to include an overall review to rationalize the roles and functions of different public transport modes under the Government's rail-based transport policy. This was particularly important as a number of new railways would commence operation in the coming few years. Before the actual change of travelling pattern brought by these new railways could be established, the Administration should consider imposing a moratorium on the number of taxis, PLBs and NFBs at the existing level.

*的士、小巴權益關注大聯盟*

*[LC Paper No. CB(1)586/03-04(11)]*

68. Mr TSE Kin-wai of 的士、小巴權益關注大聯盟 expressed support for an overall review to rationalize the roles and functions of different public transport modes under the Government's rail-based transport policy. He also reiterated the concern raised by other deputations about the long-standing problem of unauthorized NFB operation, and that TD had failed to take effective enforcement actions against the offenders.

*Public Light Bus General Association*

69. Mr NG Mou-shing of Public Light Bus General Association expressed grave dissatisfaction that the Administration had failed to exercise proper regulation on unauthorized NFB operation. He strongly requested that instead of hiding behind TAC's review, the Administration should take immediate actions to step up enforcement against unauthorized NFB operation.

*Public Omnibus Operators Association Ltd.*

*[LC Paper No. CB(1)586/03-04(13)]*

70. Mr YEUNG Wai-hung of Public Omnibus Operators Association Ltd. (POOA) highlighted the difficult operating conditions faced by *bona fide* NFB operators as a result of declining demand of Student Service and Employees' Service (ES). He stressed that the NFB trade had not received any favourable treatment from the Administration. Instead, they were the target of tightened restrictions being unfairly imposed by TD.

71. Mr YEUNG added that the purpose of A08 services was to provide a certain flexibility to NFB operation. NFB operators would not switch to other types of services as long as they could maintain viable operation. However, as a result of the excessive and unnecessary restrictions imposed by TD over the operation of NFB services such as those engaged by shopping centres and property developers, it had become increasingly difficult to do so. Individual operators had thus turned to unauthorized NFB operation. He said that POOA was also strongly opposed to unauthorized NFB operation. In this connection, he tabled a list of blackspots of rampant unauthorized NFB operation for the

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Panel's information and onward transmission to the Administration for follow-up.

*(Post-meeting note: The list was subsequently issued to members vide LC Paper No. CB(1)640/03-04(01).)*

72. Mr YEUNG maintained that as long as there was demand for NFB services, NFBs should be allowed to co-exist with railways and other road transport services to enable commuters' choice. In this connection, he tabled a set of submissions from residential developments as well as signatures from members of the public stating support for the continued provision of NFB services to ensure commuters' choice.

*(Post-meeting note: The said information was subsequently issued to members vide LC Paper No. CB(1)640/03-04.)*

## Meeting with the Administration

73. Ms Miriam LAU noted that it was more or less the consensus view among taxi, PLB and even NFB trades associations that the problem of unauthorized NFB operation (not including contract hire services operated under the 14-day exemption from prior approval for FBS) should be tackled without any delay. In this respect, she sought elaboration on the actions taken by TD and the Police to enforce the relevant prohibition as well as to follow up on the blackspots provided by the transport trades.

74. Ms Miriam LAU further said that the crux of the problem was the Government's established transport policy which had failed to ensure the proper co-ordination of public transport services. Instead of having their respective role and functions to play, different modes of public transport were left to compete with each other for vital room for survival. Concerned that the root cause of the confusing state of the public transport services sector went well beyond the regulatory framework and licensing system for NFB operation, she considered that an overall review on the Government's transport policy was urgently required.

75. Mr TAM Yiu-chung considered that the conflict between taxis and PLBs on one hand, and NFBs on the other was caused by a number of factors. Under the Government's transport policy, railways and franchised buses were the predominant modes of public transport while taxis and PLBs were confined to a supplementary role. Moreover, the direct and comfortable services provided by NFBs were welcomed by commuters in the New Territories creating tough competition for taxis and PLBs. The operating costs of taxis and PLBs were also higher than those of NFBs. Faced with such difficult operating environment, the taxi and PLB trades had little chance to maintain viable operation. As the first step, the Administration must strengthen enforcement actions to wipe out all unauthorized NFB operation. He also hoped that when TAC's review was completed in six months' time, practical solutions would be recommended to address the issues relating to A08 services and the 14-day exemption from prior approval for FBS.

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76. In response, the Deputy Secretary for the Environment, Transport and Works (T)2 (DS for ETW(T)2) said that the Administration was aware of livelihood concerns raised by the transport trades as a result of unauthorized NFB operation. To address the issue, TAC had set up a working group to conduct a review on the regulatory framework and licensing system for NFB operation. The terms of reference of the Working Group were:

- (a) to review the role of NFBs in the public transport services sector;
- (b) to review the regulatory framework and licensing system for NFB operation, including those for the operation of contract hire services and the 14-day provision for prior approval for FBS;
- (c) to review the enforcement procedures and measures for tackling unauthorized operation of NFB services; and
- (d) to recommend to the TAC measures to strengthen the regulation of NFB operation, taking into account the results of these reviews and views of the public and the public transport trade.

TAC aimed to complete the review in about six months by mid-2004. Noting the request from some deputations for the early completion of the review, DS for ETW (T)2 said that every effort would be made to expedite the review process. However, as complex issues were involved, it would take time for the Working Group to meet the transport trades concerned and solicit their views on matters of their concern.

77. DS for ETW(T)2 further said that while the Administration would consider tightening up the licensing requirements, NFB operation must be allowed with a certain degree of flexibility. In the interim before TAC's review was completed, TD would step up regulation and enforcement against unauthorized NFB operation. The Assistant Commissioner for Transport/Bus & Railway (AC for T/B&R) supplemented that except under exceptional cases, TD would stop issuing new A08 endorsement. Applications for renewal of existing A08 endorsements would only be granted, if considered appropriate, for a maximum period of 12 months.

78. Responding to Ms Miriam LAU's enquiry, AC for T/B&R confirmed that the enforcement statistics given at Annex B to the Administration's paper included both cases of unauthorized NFB operation and other traffic offences. To facilitate traffic movements and enforcement activities, no-stopping restrictions for buses were designated at some black spots. Fixed penalty tickets would be issued against those unauthorized NFBs which violated these no-stopping restrictions. She further explained that in recent years, TD had been deploying staff to undertake enforcement actions against unauthorized NFB operation. As a result, TD had conducted investigation on 31 unauthorized NFB routes. 14 prosecution cases were successful. In the first nine



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months of 2003, three inquiries had been conducted. Other inquiry cases against unauthorized NFB operation were being processed.

79. Ms Miriam LAU however did not consider that such limited enforcement efforts were adequate to deter the rampant unauthorized NFB operation. In reply, DS for ETW(T)2 called on members' understanding that there was always a limit on the amount of staffing and financial resources to be allocated for enforcement actions against unauthorized NFB operation. TD would prioritize actions against the repeated and serious offenders. In pursuit of further improvement, TAC's review would also cover the enforcement procedures and how resources could be better used for tackling unauthorized NFB operation. The Police had also agreed to deploy more resources to assist TD's operations where possible.

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Admin 80. Referring to the 343 warnings issued against unauthorized NFB operation in the first nine months of 2003, the Chairman considered that more prosecution cases could have been instituted, taking into account the large number of blackspots provided by the transport trades. To facilitate follow-up by members, he requested the Administration to provide the enforcement statistics against unauthorized NFB operation for the coming three months. Ms Miriam LAU further requested for a detailed breakdown of the said information into those NFBs with a valid endorsement in the Passenger Service Licence (PSL) but operating in violation of the prescribed conditions, and those truly unauthorized NFBs which did not even have a valid PSL endorsement. She considered that more urgent enforcement actions should be taken against the latter.

81. Mr Albert CHAN also said that he did not agree with the Administration's current practice of making *bona fide* NFB operators who operated their services in minor violation of the prescribed conditions the biggest target of enforcement actions. Instead, the Administration should step up enforcement actions against those truly unauthorized NFBs which did not even possess a valid endorsement in the PSL. He was also gravely dissatisfied that the Administration had not taken effective enforcement actions against those NFBs operated by big businesses which made use of the grey area in existing legislation. To help the taxi and PLB drivers and operators tide the difficult times, he suggested that the Administration should consider measures to improve their business opportunities, such as allowing taxis to operate to boundary crossings and reducing the level of existing NFB services during the morning peak. If the problem was left unaddressed, he was worried that more social unrest would be created as a result.

82. DS for ETW(T)2 replied that many complex issues were involved in ensuring the better co-ordination of public transport services. With the introduction of new railways and the consequential increase in public transport capacity, and in view of the increasing public concerns about air quality and traffic congestion, continuous efforts had been made by the Administration to rationalize bus services, including both franchised and non-franchised bus services, operating along busy urban corridors. However, the rationalization proposals were not always welcomed at the community level. More

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understanding and co-operation was required from all concerned parties to ensure that the greatest benefits were brought to the community as a whole.

83. Taking the opening of West Rail (WR) as an example, DS for ETW(T)2 said that in considering the need to achieve a balance between the interests of different transport trades, the Administration had maintained the same level of NFB services in the areas. A trial scheme would also be implemented to facilitate incumbent RMB drivers operating in the service area of WR to operate green minibus services via Route 3. When the public transport interchange at the Lok Ma Chau Terminus of the Spur Line was completed, taxis would be allowed to operate to the new boundary control point. He assured members that the Administration would continue to identify possible measures to help improve the business opportunities of the public transport trades.

84. Mr LEUNG Fu-wah shared other members' view that the Administration must strengthen enforcement actions against unauthorized NFB operation so as to safeguard the interest of law-abiding operators. The operators including drivers of public transport trades should be provided with a reasonable "livelihood space". Moreover, he shared the view of some deputations that the Government should review its transport policy taking into account changing circumstances. Citing the livelihood and employment issues created by the implementation of new railway projects on the public transport trades, he asked whether the Administration would consider reviewing its future plan for railway development.

85. DS for ETW(T)2 responded that given Hong Kong's limited road space and the community concerns about environmental impact from road transport, the Government's policy was that railways would form the backbone of Hong Kong's transport system. This was generally accepted within the community. Based on this policy, the Railway Development Strategy 2000 had been formulated and the railway projects recommended thereunder were being taken forward. Citing the South Hong Kong Island Line project currently under consideration by the Administration, he said that due regard would be made to various factors including the employment issues involved before a final decision was made on the project.

## **VI Any other business**

86. There being no other business, the meeting ended at 1:05 pm.