

立法會

Legislative Council

LC Paper No. CB(1)286/04-05

(These minutes have been
seen by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

Minutes of meeting held on Friday, 29 October 2004, at 10:45 am in the Chamber of the Legislative Council Building

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon Albert CHAN Wai-yip (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon LAU Chin-shek, JP
Hon Jeffrey LAM Kin-fung, SBS, JP

**Public Officers
attending** : **Agenda item IV**

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

Miss Angela LEE
Principal Assistant Secretary for the Environment,
Transport and Works

Mr Albert YUEN
Assistant Commissioner for Transport/
Buses and Railway

Mr W M WONG
Principal Transport Officer/Buses and Railway
Transport Department

Agenda item V

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

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

Mr Adam LAI
General Manager/Services
Marine Department

Mr K S TANG
Property Services Manager
Architectural Services Department

**Attendance by
invitation**

: Agenda item IV

New World First Bus Services Limited and Citybus Limited

Mr Samuel CHENG
Deputy Managing Director/NWFB and CTB

Mr Mark SAVELLI
Deputy Managing Director/NWFB and CTB

Mr William CHUNG
Head of Operations and Planning/NWFB and CTB

Mr KWAN Chuk-fai
Head of Corporation Communication/NWFB

Mr Charles WONG
Head of Human Resources and Administration/CTB

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

Staff in attendance : Ms Anita SIT
Senior Council Secretary (1)9

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)109/04-05 - Minutes of meeting held on
12 October 2004

The minutes of the meeting held on 12 October 2004 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)77/04-05(01) - Referral from Legislative Council
Members' meeting with Kowloon
City District Council on 4 March
2004 regarding the mitigation of
traffic noise from the East Kowloon
Corridor

LC Paper No. CB(1)95/04-05(01) - Submission from Environmental
Light Bus Alliance on transport
policy issues)

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

III Items for discussion at the next meeting scheduled for 26 November 2004

(LC Paper No. CB(1)111/04-05(01) - List of outstanding items for
discussion

LC Paper No. CB(1)111/04-05(02) - List of follow-up actions)

3. The Chairman invited members' views on the discussion items for the next meeting. He said that the Administration had proposed the following two items:

(a) Ma On Shan Rail – fare strategy; and

(b) Introduction of probationary driving licence scheme for new drivers of private cars and light goods vehicles.

4. The Chairman further said that Mr WONG Kwok-hing had written to him

suggesting that the Panel discuss road safety issues involving public light bus (PLB) operations as soon as possible. In parallel, the Administration had indicated that it was considering a package of legislative and other measures to enhance the safety of PLB operations.

5. Mr WONG Kwok-hing said that recent traffic accidents involving PLBs had aroused wide public concern. There was an urgent need for the Panel to discuss the subject.

6. Mr LEE Wing-tat suggested that whilst the safety problems relating to PLB operations warranted urgent review by the Panel, the Panel should also review road safety issues from a broader perspective. He suggested that the Administration should be asked to provide information on traffic incidents involving inappropriate driving behaviour and improvement measures to improve driving behaviour and foster a considerate and responsible driving culture. There was also a need to review road safety related legislation and enforcement measures to identify areas for further improvement.

7. Members agreed that the two items proposed by the Administration set out in paragraph 3 above and an item on measures to enhance the safety of PLB operations be discussed at the next regular meeting on 26 November 2004. Members also agreed that issues relating to inappropriate driving behaviour in Hong Kong as suggested by Mr LEE Wing-tat would be discussed at the regular meeting in December 2004 or another future meeting of the Panel.

8. Mrs Selina CHOW highlighted the lack of coach loading/unloading facilities at some popular sightseeing spots at present and the need to plan for additional facilities to meet future demand. She suggested and members agreed that the Panel would discuss the demand and supply of loading/unloading and parking facilities for coaches at a future meeting of the Panel.

IV Safety of franchised bus operations

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| (LC Paper No. CB(1)111/04-05(03) | - Submission dated 27 October 2004 from New World First Bus Company Staff Union |
| LC Paper No. CB(1)127/04-05(01) | - Submission dated 27 October 2004 from Citybus Limited Employees Union |
| LC Paper No. CB(1)111/04-05(04) | - Submission from Motor Transport Workers General Union City Bus Branch |
| LC Paper No. CB(1)111/04-05(07) | - Submission dated 29 October 2004 from Motor Transport Workers General Union New World Bus Branch |
| LC Paper No. CB(1)111/04-05(05) | - Information paper provided by the |

LC Paper No. CB(1)112/04-05 Administration
- Background brief on work
arrangements for drivers of
franchised bus companies prepared
by the Secretariat)

9. The Deputy Secretary for the Environment, Transport and Works (Transport)2 (DS for ETW(T)2) briefly took members through the information set out in LC Paper No. CB(1)111/04-05(05), focusing on the role of the Administration in relation to the duty arrangements for drivers of franchised bus companies and the Administration's work on ensuring the safety of franchised bus operations.

Communication between the management and staff unions of NWFB

10. Mr William CHUNG, Head of Operations and Planning/ New World First Bus Services Limited (NWFB) and Citybus Limited (CTB), said that NWFB's management had recently discussed with the company's staff unions the duty arrangements for drivers. One major agreement reached was that those duty shifts for which the driver was required to operate three or more bus routes would be assigned upon application by individual drivers on a voluntary basis. Where there were any duty shifts for which no driver was willing to take up, the management would review the relevant arrangements in consultation with the staff unions.

11. In reply to Mr LAU Sau-sing's enquiry about the reasons for drivers not willing to take up certain duty shifts, Mr William CHUNG said that undesirable meal time schedules, the need to operate several bus routes and little or no overtime duty shifts without extra pay were probable reasons. However, it would be after the implementation of the aforesaid agreed arrangement that NWFB could ascertain which duty shifts the bus drivers were unwilling to take up. He assured members that NWFB would work out appropriate arrangements in consultation with its staff unions to address drivers' concerns.

12. Ms LI Fung-ying asked whether NWFB had established a proper mechanism for communication between the management and the staff side on duty arrangement matters. Mr Samuel CHENG, Deputy Managing Director/NWFB and CTB said that the management of NWFB held regular meetings with representatives from the staff unions, and there was an on-going review on the communication mechanism with a view to resolving any existing or potential problems.

13. Mr Mark SAVELLI, Deputy Managing Director/NWFB and CTB said that NWFB took into account a number of factors in drawing up the schedules for its bus fleet. One important consideration was to ensure that there was enough time built into the schedule for drivers to complete the trip without feeling undue stress. After NWFB took over a number of bus routes from the China Motor Bus Company Limited (CMB), it had increased the amount of time for individual bus trips by 30% – 50%. To ensure that the bus schedules were timely updated to suit prevailing road conditions, NWFB

adopted a dynamic scheduling approach by refining the bus schedules in consultation with the staff unions on a regular basis. This dynamic scheduling process also served to promote two-way communication between the management and the staff side.

Bus accident rates

14. In reply to Mr LAU Sau-sing's enquiry, Mr William CHUNG confirmed that based on NWFB's accident records, there was no observed correlation between bus accident rate and the number of bus routes that a driver was required to operate in a duty shift.

15. Mr WONG Kwok-hing expressed dissatisfaction with the Administration's attitude towards the problems in the working arrangements for bus drivers. He commented that the Administration had drawn a hasty conclusion that the arrangements of assigning drivers to operate different routes and different bus models within a duty shift had not given rise to safety problems based on simplistic statistics. He stressed that the drivers themselves strongly felt that such arrangements would adversely affect bus safety. While on this occasion, the management and the staff unions of NWFB were able to agree on certain arrangements to address some of the concerns of drivers, he considered that there was an urgent need to review the Guidelines on Working Schedules for Bus Drivers (the Guidelines) issued by the Transport Department (TD). The problems highlighted in the complaints of the bus drivers of NWFB revealed that the Guidelines had various shortcomings.

16. Referring to Annex C of the Administration's paper which set out the statistics on bus accident rates, Mr WONG Kwok-hing queried the appropriateness of expressing bus accident rates in terms of "the number of bus accidents per million vehicle-kilometre operated". He considered that the current statistics could not effectively reveal the actual situation of bus accidents. He demanded that the Administration provide alternative bus accident statistics based on the number of bus trips operated.

17. The Assistant Commissioner for Transport/Buses and Railways (AC for T) replied that whilst the number of bus trips might also be used as a basis for working out bus accident rates, the Administration considered it more appropriate to use a distance basis, i.e. per million vehicle-kilometre operated in this case, for analysis of bus accident trends. This basis had been used consistently over the past years such that the statistics could effectively reveal the trends of bus accident rates.

18. DS for ETW(T)2 said that being the regulatory authority, the Administration had no intention to use a particular basis to produce statistics that were favourable to franchised bus companies. The main consideration in choosing the current basis was to provide the Administration with a good indicator to monitor the service performance in terms of safety of the bus companies. He advised that "per million vehicle-kilometre operated" and "per passenger kilometre" were common bases used in various countries for statistics on transportation accident rates, as these bases allowed reliable trend

analyses. He further said that some franchised bus companies might operate more services of relatively short distance whereas some might operate more long-distance services. Using “the number of bus trips operated” as the basis would distort the comparison of the bus accident rates of these bus companies.

19. Mr Mark SAVELLI said that there could be different ways of compiling statistics on traffic safety matters. For example, in the United Kingdom, bus accident rates were expressed in terms of “number of accidents per passenger kilometre” and on this basis, it was found that buses were seven times safer than private cars.

20. Mr WONG Kwok-hing said that as acknowledged by the Administration, using different bases to work out bus accident rates could come up with different results. He therefore demanded that the Administration provide bus accident statistics in terms of the number of bus trips operated. As the Administration indicated that it had not compiled such bus accident statistics in the past, the Chairman requested the Administration to consider Mr WONG’s request.

Admin

21. Mr LEE Wing-tat also referred to Annex C of the Administration’s paper and sought explanation on the substantially higher accident rates of CTB (Franchise 1) and NWFB compared to that of Kowloon Motor Bus Co. (1993) Ltd. (KMB). He also noted that the bus accident rate of NWFB in 2003 had increased compared to that in 2002 and asked what had been done to improve the safety performance of NWFB.

22. DS for ETW(T)2 and AC for T advised that the different operating environment of franchised bus companies was a major factor contributing to the differences in their bus accident rates. The routes operated by NWFB and Citybus (Franchise 1) ran mostly in the urban areas of the Hong Kong Island. The busy urban vehicular and pedestrian, intensive kerbside activities, traffic condition and the hilly terrain might have contributed to the higher accident rate of NWFB and Citybus (Franchise 1). However, the Administration considered that bus accidents should be avoided as far as possible, and hence had continuously worked closely with the franchised bus companies to improve the safety of bus operation. For example, TD conducted quarterly reviews with franchised bus companies to discuss bus safety and other matters relating to bus service operation. TD was also arranging a quality driving instructor scheme to commence in early 2005, and had invited franchised bus companies to send their driving instructors to attend the courses. AC for T also remarked that a majority of bus accidents were not attributed to driver factor.

23. Mr Mark SAVELLI highlighted that the bus accident rate of CTB (Franchise 2) involving Airport and North Lantau bus routes had been consistently lower than that of KMB, which demonstrated that the operating environment was an important factor affecting bus accident rates, and that the accident rates could not be fairly compared without taking into account the differences in the operating environment. He further said that NWFB’s accident rates had been on the downward trend though there was a slight increase in the accident rate in 2003. NWFB was not complacent with the current performance and passenger safety had always been high on the agenda of the company.

The company had plans to enhance driver training and other aspects pertinent to the safety of bus operation.

Admin

24. Mr LEE Wing-tat said that the explanation regarding different operating environment should be supported by quantitative information. He thus requested the Administration to provide a comparison between the bus accident rates of those urban routes operated by KMB and NWFB. The Administration agreed.

Compliance with the Guidelines

25. Mr CHEUNG Hok-ming enquired about the situation of compliance with the Guidelines and asked whether the Administration would consider incorporating the guidelines into the bus franchise agreements to enhance the effectiveness of compliance monitoring by the Administration.

26. AC for T advised that under the bus franchise agreements, the franchised bus companies were required to provide proper and efficient bus services. It was incumbent upon the companies to fulfill all the relevant requirements in the franchise agreements. As regards the monitoring of compliance with the Guidelines, franchised bus companies were required to submit quarterly reports to TD on their compliance situation. Based on the reports, TD observed that except for one company, all the companies had been able to fully comply with the Guidelines. TD also found that the company which had not been able to fully comply with the Guidelines had made serious efforts to improve and pledged full compliance by early 2005. The present arrangements had proved effective for compliance monitoring and thus the Administration considered that there was no need to convert the Guidelines into terms and conditions of the franchise agreements.

27. Mr Albert CHAN said that many in the community held reservation on whether the Administration had the ability and the appropriate attitude to exercise effective monitoring over franchised bus companies. He requested the Administration to provide information on the situation of compliance with the Guidelines over the past three years, and if there had been cases of non-compliance, whether TD had imposed any sanctions on the company concerned. Citing that he had received numerous complaints from residents of various districts about the reliability and adequacy of bus service, he asked whether TD had conducted on-site inspections to monitor the compliance with the Guidelines.

Admin

28. AC for T said that as far as compliance with the Guidelines were concerned, TD had mainly relied on the quarterly reports submitted by franchised bus companies. He undertook to check the relevant records and confirm after the meeting the situation of compliance with the Guidelines over the past three years. With regard to compliance with bus schedules, which was a separate area of TD's monitoring of franchised bus operations, TD would conduct surveys and inspections and take follow up actions as appropriate.

Length of duty shifts and driving hours

29. Referring to the Guidelines and the “Summary of overseas requirements on bus driver working hours and rest breaks” (Annex F to LC Paper No. CB(1)1955/03-04(01) provided by the Administration for the Panel’s information in May 2004), Mr WONG Kowk-hing commented that taking into account the very hectic traffic conditions in Hong Kong, a duty shift of up to 14 hours, which was allowed under Guideline B, was too demanding on a driver.

30. In response, AC for T said that TD had taken into account many factors in drawing up the Guidelines including relevant overseas practices, the possible implications on road and passenger safety, efficient use of resources by franchised bus companies and the preferences of the workers in the trade etc. TD’s recent research on overseas practices of duty arrangements for bus drivers indicated that the maximum duty length ranged from 9 hours to 16 hours and the maximum driving duty ranged from 7 to 13 hours per day. TD’s current Guidelines, which specified that the maximum duty (including all breaks) should not exceed 14 hours and the maximum driving duty (i.e. maximum duty minus all breaks of 30 minutes or more) should not exceed 11 hours in a day, lied within these ranges.

31. Ms LI Fung-ying commented that there was no comparison between the road conditions in Hong Kong and those in most overseas places. Bus drivers in Hong Kong had to work under great pressure given the very busy and complicated road conditions. She urged the Administration to critically review whether a maximum duty length of 14 hours and driving duty of 11 hours were appropriate in terms of prevention of fatigue driving and ensuring road safety.

32. AC for T said that in late 2003, the Administration had asked all franchised bus operators to conduct a thorough review on their safety arrangements. It was revealed that there was no direct correlation statistically between bus accident rates and working hours. However, in view of the importance to prevent fatigue driving, TD had revised Guideline D such that the minimum break for drivers between successive working days had increased from 8 hours to 9 hours. He assured members that the Administration would closely monitor the safety of franchised bus operations and continuously seek improvements.

33. Mr CHENG Kar-foo recalled that he had expressed grave concern on the long working hours of bus drivers when the Panel noted at a previous meeting the Guidelines and the statistics on the actual working hours of drivers. He commented that a maximum duty length of 14 hours and a maximum driving duty of 11 hours, as allowed under the Guidelines, were unacceptable. Regarding the actual situation of driver scheduling, he noted from Annex A of the Administration’s paper that the average duty length of drivers ranged from 9.52 hours to 10.44 hours and the average driving duty ranged from 8.06 hours to 8.58 hours. He considered that given such long working hours and the busy road conditions in Hong Kong, drivers were prone to fatigue and undue stress. He further said that bus drivers’ well-being would directly affect

passenger and road safety and thus public interest was at stake. He thus demanded that the Guidelines be revised to reduce the maximum duty length and driving hours.

34. DS for ETW(T)2 said that insofar as the Guidelines were concerned, the Administration's primary consideration was public safety whilst other considerations such as operators' efficient use of resources which in turn had implications on fares were also important. He highlighted that the maximum duty length and driving duty provided in the Guidelines lied within the range of those studied overseas places where working long hours was not the norm. However, the Administration held an open attitude and was prepared to consider changes to the Guidelines in light of changing demands of relevant parties. DS for ETW(T)2 also remarked that apart from duty length and driving hours, the Administration had also reviewed other duty arrangements for drivers with franchised bus companies. For example, the driving behaviour of bus drivers might also be affected by whether there was sufficient time allowed for the drivers to complete the bus trips. In this regard, the Administration had urged bus companies to review the existing arrangements and where appropriate make improvements.

35. Mr Mark SAVELLI said that for NWFB, the average duty length of drivers had come down significantly since NWFB took over the bus service from CMB in 1998, i.e from an average of 11 hours to 9.7 hours. This was a reflection of the NWFB's understanding that excessively long working hours was not conducive to ensuring drivers' well-being. He assured members that NWFB would constantly make the best efforts to improve the working conditions of bus drivers and bus captains.

36. Mr CHENG Kar-foo reiterated his view that both the maximum duty length/driving hours for drivers specified in the Guidelines and the actual situation of drivers' duty length/driving hours were too long to be acceptable. He said that one probable reason for red-light jumping by bus drivers was that they were eager to complete the trip on time in order to have a brief rest before starting another trip. He strongly demanded that the duty length and driving hours be reduced to accord with the relevant principles in the International Labour Conventions.

37. In response, DS for ETW(T)2 said that the Guidelines were last reviewed by TD in 2003. The suggestion of revising the Guidelines should be considered in conjunction with various pertinent issues such as the possible implications on the operation of bus companies and the views of bus drivers. He undertook to examine the need for revising the Guidelines taking into account members' views.

38. Ms Miriam LAU said that road safety should be the focus of the Panel's discussion. Otherwise, the issue of duty arrangements for bus drivers as such would not fall within the purview of the Panel. It was therefore necessary to first establish that there was correlation between the prevailing duty arrangements for drivers and road safety before the Panel further pursued the duty arrangement issues. She then asked if other members could provide relevant information, other than subjective perceptions, to substantiate such a correlation. She considered that unless such information was

available, it would not be meaningful for the Panel to continue to discuss the duty arrangements for drivers. If other members so wished, they might pursue the subject at the Panel on Manpower.

39. Referring to Ms Miriam LAU's comments, Mr WONG Kwok-hing said that the staff unions of NWFB had already revealed the major problems relating to NWFB's duty arrangements in their submissions to the Panel. Moreover, the increase in the accident rate of NWFB in 2003 was an indication of the problems. Although the Administration purported that it had been closely monitoring the compliance with the Guidelines by franchised bus companies, it had not taken appropriate steps to plug the loopholes of the Guidelines, which had allowed the bus companies to impose harsh working arrangements on bus drivers.

40. DS for ETW(T)2 reiterated that the Administration would be prepared to review the Guidelines. On the concern about bus drivers required to operate different routes in a duty shift, he considered that instead of including a rigid requirement in the Guidelines on the maximum number of routes to be operated by a driver within a duty shift, a more effective measure was to ensure that franchised bus companies provided sufficient training to drivers to familiarize the latter with the relevant bus routes.

41. At this juncture, members noted that Mr CHENG Kar-foo had submitted in writing a motion with the following wordings -

“本會強烈要求運輸署修訂以下巴士車長編更指引：

- (1) 一天內最長的工作時間(包括所有休息時間)由不應超逾14小時減至10小時；及
- (2) 一天內的駕駛時間(即最長的工作時間減去所有30分鐘或以上的休息時間)由不應超逾11小時減至8小時，

藉以加強專營巴士服務營運安全。”

He appealed for other members' support for his motion.

42. Ms Miriam LAU said that she maintained her view expressed earlier on. She considered it more appropriate for the franchised bus companies and their staff to work out between themselves the duty arrangements acceptable to both sides.

43. Mr WONG Kwok-hing said that he basically supported Mr CHENG's motion, but would like to suggest adding the following two points after points (1) and (2) of Mr CHENG's motion -

“(1) 車長食飯時間不應偏離人體正常生理時鐘；及

(2) 編更路綫不少於7天前發給車長。”

Mr WONG explained that abnormal meal time schedules would seriously affect the well-being of drivers. This and the practice of giving insufficient advance notice to drivers of the bus routes they were required to operate would have adverse impact on the safety of bus operations. TD's Guidelines should set the baselines for the duty arrangements for bus drivers. It would then be up to the bus companies to work out the detailed duty arrangements in collaboration with their staff.

44. Mr CHEUNG Yu-yan said that members of the Liberal Party objected to the motion as moved by Mr CHENG Kar-foo and amended by Mr WONG Kwok-hing. He said that given the lack of evidence to substantiate the proposition that the prevailing duty arrangements of bus companies had negative implications on the safety of bus operations, and having regard to relevant overseas practices, members of the Liberal Party could not see good reasons for demanding the Administration to revise the Guidelines as specified in the motion. He also commented that the two points raised by Mr WONG Kwok-hing were arbitrary and cautioned that such arbitrary requirements, if implemented, could adversely affect the normal operations of the franchised bus companies. For example, mandating the bus companies to provide 7 days' advance notice of the schedules of driving routes to drivers would leave no flexibility for the bus companies to make urgent duty arrangements to deal with unforeseen circumstances, and this might result in some bus trips not operated.

45. Mr Albert CHAN said that whilst he supported the overall direction of the motion, he was concerned that the Panel would be making a hasty decision on the matter. He highlighted that the motion sought to revise the Guidelines in very specific terms. As the Panel had not yet thoroughly discussed with the concerned staff such specific proposals nor thoroughly deliberated the possible implications on franchised bus services, he found it difficult to support the motion.

46. Ms LI Fung-ying said that she did not agree with Mr Albert CHAN. She pointed out that the views of the staff side were already reflected in their written submissions to the Panel, which had been forwarded to members before the meeting.

47. Mr CHENG Kar-foo echoed Ms LI's view. He considered that the proposed revisions to the Guidelines with regard to working hours in his motion had balanced the call from the staff side for appropriate working arrangements and the related public interest in terms of road safety.

48. Responding to Mr CHEUNG Yu-yan's comments, Mr WONG Kwok-hing said that the problem of unreasonable meal time schedules had been raised by drivers repeatedly over the past year or so but the bus company had not taken proper action to rectify the problem. It was a genuine problem strongly felt by drivers and must be properly addressed. On the concern that the proposed requirement of 7 days' advance notice would leave no flexibility for bus companies to make staff deployment, Mr WONG said that staff deployment arrangements to cater for sick leave or other

contingencies had already been formalized. The proposed requirement of 7 days' advance notice would not affect these deployment arrangements, but could ensure that bus drivers were given sufficient notice of the bus routes they would operate and this would be conducive to ensuring safety of bus operations.

49. Reiterating that no correlation had been identified between bus safety and drivers' working hours, DS for ETW(T)2 highlighted that passengers' interest was also an important consideration. Citing the need to consider the implications of shortening the working hours on the efficacy of the operation of the bus companies, which in turn would affect bus companies' operating cost and bus fares, he drew members' attention that such implications had not been thoroughly examined.

50. Mr LAU Sau-sing said that he supported in principle that bus drivers should be allowed sufficient rest time to prevent the situation of fatigue driving. He enquired about the possible impact on the franchised bus companies' operation if the maximum duty length was reduced to 10 hours. He also expressed concern that such reduction in duty length would adversely affect the income of bus drivers.

51. Mr Mark SAVELLI said that whilst he concurred that the Guidelines should be reviewed from time to time, he had to point out that any additional restrictions placed on the franchised bus companies' scheduling of staff duties would have implications on the operating costs of the companies and on the services provided to the public. He stressed that NWFBC was facing a very difficult time at present and was relying on a good working relationship with staff to tide over the challenges of increasing operating costs and competition from other public transport modes.

52. At this juncture, Mr Albert CHAN said that he had obtained Mr CHENG Kar-foo's agreement to add the words "研究" in the first sentence of the motion such that the motion would read –

“本會強烈要求運輸署研究修訂以下巴士車長編更指引：

- (1) 一天內最長的工作時間(包括所有休息時間)由不應超逾14小時減至10小時；
- (2) 一天內的駕駛時間(即最長的工作時間減去所有30分鐘或以上的休息時間)由不應超逾11小時減至8小時；
- (3) 車長食飯時間不應偏離人體正常生理時鐘；及
- (4) 編更路綫不少於7天前發給車長。

藉以加強專營巴士服務營運安全。”

(English Translation)

“This Panel strongly urges the Administration to study revising the Guidelines on Working Schedule for Bus Drivers so that :

- (a) maximum duty (including all breaks) should be reduced from not exceeding 14 hours to not exceeding 10 hours;
- (b) driving duty (i.e. maximum duty minus all breaks of 30 minutes or more) should be reduced from not exceeding 11 hours to not exceeding 8 hours;
- (c) meal time schedule for drivers should not deviate from normal human biological clocks; and
- (d) schedules for driving routes should be given to bus drivers seven days in advance,

to enhance the safety of franchised bus service operations.”

53. Mr CHENG Kar-foo then indicated his agreement to Mr Albert CHAN’s proposed amendment. Mr WONG Kwok-hing said that on account of public interest, he accepted Mr Albert CHAN’s proposed amendment.

54. The Chairman suggested that the motion moved by Mr CHENG Kar-foo as amended by Mr WONG Kwok-hing and Mr Albert CHAN be put to vote right away. Members agreed.

55. The motion was voted on. As a majority of the members present voted for the motion, the Chairman declared that the motion was carried.

V Progress update on Tuen Mun Ferry Terminal

- (LC Paper No. CB(1)111/04-05(06) - Information paper provided by the Administration
- LC Paper No. CB(1)113/04-05 - Background brief on Tuen Mun Ferry Terminal prepared by the Secretariat)

56. Noting that as advised by the tenant, the target date for completion of the pier modification works and commencement of cross-boundary ferry services would be deferred to late April 2005 as against the original target date of December 2004, Ms LI Fung-ying enquired about the reasons for the deferment, the extent of certainty that the tenant could commence ferry services by late April 2005, and the consequences should the commencement of services be further deferred by the tenant.

57. The Deputy Secretary for the Environment, Transport and Works (Transport)3 (DS for ETW(T)3) recalled that in the Administration's paper for the Panel meeting on 30 January 2004 (LC Paper No. CB(1)848/03-04(06)), the Administration had already expressed the view that the tenant's plan to start providing ferry services to Macau by December 2004 was rather optimistic and ambitious. She explained that for the pier modification works, the tenant was required to submit building plans to the Architectural Services Department (ArchSD) for approval in accordance with the relevant statutory requirements. The plans for demolition and hoarding works had been approved and the tenant had started such works. However, the plans for building works submitted in February and April 2004 failed to secure approval as they did not comply fully with the requirements of the Buildings Ordinance (Cap. 123). The tenant had submitted new plans to ArchSD in early October 2004. ArchSD was vetting the plans in conjunction with other relevant departments.

58. DS for ETW(T)3 further advised that the current target date of late April 2005 was the tenant's own estimate. Whether ferry services could commence by then would hinge on whether the newly submitted plans could fully comply with the relevant statutory requirements and the progress of the modifications works to be carried out upon approval of the plans.

59. As regards the consequence of further delay of the commencement of ferry services by the tenant, DS for ETW(T)3 advised that the relationship between the Government and the tenant was one between a property owner and a tenant. According to the tenancy agreement, the tenant was required to pay around \$1.35 million to the Government every month starting from December 2004. There were strong incentives for the tenant to commence ferry services as soon as possible.

60. Mr Albert CHAN expressed doubt on whether the Administration was revealing the full picture about the delay in the pier modification works. The circumstances described in the Administration's paper did not appear plausible. He asked whether there were other reasons contributing to the delay, e.g. if the guidance provided by the Administration was inadequate or inaccurate, the Administration had adopted an over-stringent approach in vetting the building plans submitted by the tenant, and/or the tenant had certain ulterior motive.

61. DS for ETW(T)3 said that as the Tuen Mun Ferry Terminal (TMFT) would be a pier for public use, in vetting the building plans, the Administration must ensure that they fully comply with the relevant statutory requirements. Relevant departments were processing the newly submitted plans expeditiously. She remarked that the tenant had paid a deposit of \$2.5 million at the time of signing the tenancy agreement. Failure of the tenant to pay \$1.35 million to the Government every month starting from December 2004 would amount to a breach of the tenancy agreement, in which case the Government might consider terminating the agreement and forfeiting part or the whole of the \$2.5 million deposit.

62. Mr Albert CHAN asked if the Administration had examined whether the delay in the provision of cross-boundary ferry services at TMFT would result in any direct benefits to certain companies or entities, and if so, whether the amount of benefits would exceed the costs incurred by the tenant for not commencing the services as scheduled. DS for ETW(T)3 replied that it would be inappropriate for the Administration to respond to such conjecture. She remarked that the most important thing was that the interest of the Government and that of the general public in the TMFT project was safeguarded by the tenancy agreement.

63. Mr LAU Sau-sing enquired why the building plans were submitted to ArchSD instead of Buildings Department, and whether ArchSD could adopt any fast-tracking vetting procedure in this case.

64. DS for ETW(T)3 said that it was because the Tuen Mun Pier was Government premises that ArchSD took up the coordinating role in vetting the building plans. Other relevant departments including the Buildings Department and Fire Services Department were involved in vetting the plans. The Administration had set up an inter-departmental steering committee with representatives from 10 Government bureaux and departments to coordinate the implementation of the project. She assured members that the Administration had and would continue to endeavour to facilitate the implementation of the project. However, it was incumbent upon the tenant to submit building plans that could fully comply with the statutory requirements.

65. Mr LAU Sau-sing urged the Administration to make the best efforts to facilitate early commencement of the project works. He also opined that in future projects of this kind, the Administration should take up and complete the project works before leasing out the concerned facilities. Adopting this alternative approach would obviate the delay encountered in the present project.

66. Mrs Selina CHOW considered that both the public and the tenant would wish that TMFT could commence services as soon as possible. She did not share Mr Albert CHAN's concern that there might be an ulterior motive underlying the delay nor Mr LAU Sau-sing's belief that if taken up by the Administration, the project would be delivered more efficiently. Noting that the tenant had submitted the new plans only in early October 2004, she was concerned whether the tenant could commence ferry services by late April 2005. She asked if the said steering committee could exert more efforts to expedite the building plan vetting process.

67. DS for ETW(T)3 said that according to the tenant's original schedule, the building plans submitted in April 2004 would be approved in June 2004 and allowing six months for the modification works, ferry services to Macau could commence in December 2004. The Administration had indicated that such a schedule was rather optimistic, but had endeavoured to facilitate the tenant's work. The Administration had approved the plans for demolition and hoarding works in early April 2004. When the plans for the building works were found not fully compliant with the requirements of the Buildings Ordinance, the Administration had immediately notified the tenant. In

August 2004, the tenant appointed a new consultant and in early October 2004 submitted the new building plans. She anticipated that if the new plans were compliant with the relevant statutory requirements, the tenant might be able to commence ferry services within the first half of 2005.

68. Mrs Selina CHOW urged the Administration to take a more proactive approach on the matter and do its best to facilitate the project implementation. DS for ETW(T)3 responded that the Administration had spared no effort on the project. It had maintained close liaison with the tenant and the relevant departments were working hard to examine the new plans submitted. She stressed that the Administration must ensure that the building plans were in full compliance with the statutory requirements, because TMFT would be a public facility.

69. In reply to Mr CHEUNG Hok-ming's enquiries, DS for ETW(T)3 advised that the Government was required by the law to provide a response on any submission of building plans within 60 days after submission. Upon approval of the building plans, the tenant could proceed with the modification works. The Administration estimated that the modification works would take about six months to complete.

70. Mr WONG Kwok-hing enquired about the complementary transportation plans for the new TMFT and whether the Immigration Department could spare sufficient staff to man the new ferry terminal. DS for ETW(T)3 said that it was estimated that TMFT would generate 6 000 to 8 000 additional passenger visits to/from the Tuen Mun Pier area daily. At present, the public transport servicing this area included the Light Rail, eight franchised bus routes, three bus routes operated by the Kowloon-Canton Railway Corporation and two public light bus routes. The Administration considered that the present public transport facilities had sufficient capacities to cater for the additional traffic demand generated by TMFT. As regards the Government services to be provided at TMFT, DS for ETW(T)3 assured members that all the relevant departments including the Immigration Department had formulated the necessary staff deployment arrangements. Once the tenant was ready, the departments could make arrangements to operate their services at TMFT.

71. In reply to Ms Miriam LAU's enquiry, DS for ETW(T)3 advised that in its tender proposals, the tenant had stated its plan to deploy a fleet of five vessels at the initial stage. Under the tenancy agreement, the operation of cross-boundary ferry services was a matter for the tenant.

72. In response to Mr WONG Kwok-hing's enquiry, DS for ETW(T)3 said that the Administration was not aware of any indication from the operators at the existing cross-boundary ferry terminals (CBFTs) that upon the commencement of services at TMFT, there would be changes to their services. The Administration did not anticipate that the provision of cross-boundary ferry services at TMFT would have significant impact on the existing CBFTs.

VI Any other business

73. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 1
Legislative Council Secretariat
24 November 2004