

立法會
Legislative Council

LC Paper No. CB(1)1407/06-07
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

**Minutes of meeting held on
Friday, 23 March 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
- Members absent** : Hon LAU Chin-shek, JP
Hon Ronny TONG Ka-wah, SC
- Public Officers attending** : **Agenda item IV**

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

Ms Macella LEE
Acting Principal Assistant Secretary for the Environment,
Transport and Works

Mr Alan WONG
Commissioner for Transport

Mr Albert YUEN
Assistant Commissioner for Transport/
Bus and Railway

Mr LEUNG Tak-fai
Chief Engineer/Road Safety & Standards
Transport Department

Mr David TSANG
Senior Engineer/Vehicle Safety
Transport Department

Mr Blake D M HANCOCK
Chief Superintendent of Police
Traffic Branch Headquarters

Ms Shirley CHU
Senior Superintendent of Police, Administration
Traffic Branch Headquarters

Agenda item V

Ms Annette LEE
Deputy Secretary for the Environment, Transport and Works

Ms Macella LEE
Acting Principal Assistant Secretary for the Environment,
Transport and Works

Ms Carolina YIP
Deputy Commissioner for Transport/
Transport Services & Management

Mr Albert SU
Principal Transport Officer/Urban
Transport Department

Mr LEUNG Tak-fai
Chief Engineer/Road Safety & Standards
Transport Department

**Attendance by
invitation**

: Agenda item IV

The Kowloon Motor Bus Company (1933) Limited/
Long Win Bus Company Limited

Ms Winnie NG
Executive Director

Mr LUI Po-chiu
Operations Director

Mr Tim IP
Head of Traffic Department

Ms Susanne HO
Head of Corporate Communications Department

Citybus Limited/New World First Bus Services Limited

Mr Samuel CHENG
Managing Director

Mr William CHUNG
Head of Operations

Mr Paul LI
Head of Engineering

New Lantao Bus Company (1973) Limited

Mr Peter MOK
Executive Director

Mr WONG Wah
Administration Manager

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

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)1147/06-07 - Minutes of the meeting held on 2 March 2007)

The minutes of the meeting held on 2 March 2007 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)1166/06-07(01) - Submission from Hongkong Guangdong Boundary Crossing Bus Association Limited on Cross-Boundary Coach Services Quotas for Operation via Hong Kong - Shenzhen Western Corridor

LC Paper No. CB(1)1190/06-07(01) - Information paper on "Review on the offence of failure to comply with traffic signals" provided by the Administration)

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

III Items for discussion at the next meeting scheduled for 27 April 2007

(LC Paper No. CB(1)1149/06-07(01) - List of outstanding items for discussion

LC Paper No. CB(1)1149/06-07(02) - List of follow-up actions)

3. Members agreed that the following items proposed by the Administration would be discussed at the next meeting scheduled for 27 April 2007 –

(a) Fare increase application by Hong Kong & Kowloon Ferry Holding Ltd.; and

(b) Proposed creation of one permanent Principal Transport Officer in the Management and Paratransit Branch of Transport Department.

4. Members also agreed to follow up the item on "Traffic and transport arrangements for the commissioning of Hong Kong – Shenzhen Western Corridor (HK-SWC) and Sheung Shui to Lok Ma Chau Spur Line" at the 27 April 2007 meeting. In this connection, members expressed concern about the proposed transport arrangements as well as the design of the public transport interchanges (PTIs) at the above two new boundary crossings. On the traffic side, with the impending commissioning of HK-SWC, members were gravely concerned about the possible increase in traffic load in the western and northwestern parts of the New Territories. They pointed out that notwithstanding the repeated call from the Panel for the Administration to formulate corresponding strategies to alleviate the possible

Action

deteriorating traffic congestion in Tuen Mun and Yuen Long districts upon the commissioning of HK-SWC, no major progress had been made so far. To address members' concerns, the Administration was requested to consider the related matters and provide, inter alia, the following information –

- (a) Progress update on measures taken/to be taken to address the anticipated increase in traffic flow in Tuen Mun and Yuen Long districts upon the commissioning of HK-SWC and Deep Bay Link;
- (b) The quota restriction and the projected daily vehicular traffic of HK-SWC from 2007 to 2016 (on a yearly basis), and the corresponding short-term and long-term strategies and improvement measures to improve the traffic situation;
- (c) Progress update on the negotiation with the franchisee of Route 3 to rationalize the utilization of Route 3 and the alternative, non-tolled routes;
- (d) Progress update on the Northwest New Territories Traffic and Infrastructure Review 2006;
- (e) Details of the layout design and transport arrangements at the PTIs at the two new boundary crossings;
- (f) Responses to views expressed by deputations and members at the meeting on 2 March 2007 regarding the traffic and transport arrangements for the commissioning of HK-SWC and Sheung Shui to Lok Ma Chau Spur Line and the proposal to allow non-franchised buses to access the PTIs at the two new boundary crossings; and
- (g) In the light of the significant increase in areas in the northwest New Territories which were considered suitable for application for open storage and port back-up uses, the Administration to provide information on the related land use planning and associated traffic impact assessments.

5. The Chairman then referred to the submission from Hongkong Guangdong Boundary Crossing Bus Association Limited on cross-boundary coach services quotas for operation via HK-SWC (LC Paper No. CB(1)1166/06-07(01)), in which the Association stated the wish to appear before the Panel to give further views on the related matters. After discussion, members concurred that since more than 40 deputations had already presented their views on the item at the Panel meeting on 2 March 2007, to facilitate a focused and thorough discussion on the item between the Panel and the Administration at the 27 April meeting, no deputation would be invited to join the discussion. Instead, members of the Panel on Planning, Lands and Works and the Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill should be invited.

Action

IV Safety of franchised bus operation

(LC Paper No. CB(1)1149/06-07(03) - Information paper on progress on measures to enhance safety of franchised bus operation provided by the Administration

LC Paper No. CB(1)783/06-07(01) - Information paper provided by the Administration)

6. The Commissioner for Transport (C for T) briefed members on the Administration's paper for this item. In so doing, he also apologized for the delay in submitting the paper, and explained that the delay had been caused by the need to prepare answers for Members' questions on the Draft Estimates 2007-2008, and to discuss with different bus operators and bus manufacturers to bring about progress in measures to further enhance safety of bus operation. He also emphasized that the performance of franchised buses was in fact not poor in the light of passenger feedback and the number of complaints received, and the downward trend of accidents, and that measures to enhance bus safety should be examined from the wider perspective of cost effectiveness and the labour relations between respective bus companies and their bus captains.

7. The Chairman expressed dissatisfaction with the contents of the Administration's paper, and considered that it had failed to address members' questions and concerns raised at the meeting on 2 March 2007 when the item was last discussed. Mr LEE Wing-tat echoed the Chairman's comments, and added that little progress had been reported to convince him that the bus operators and the Transport Department (TD) were sincerely making efforts to enhance the safety of bus operation. TD's performance was therefore far from satisfactory. In response, C for T emphasized that TD was very concerned about bus safety. However, there was a need to identify effective measures first. In this regard, he pointed out that according to the Administration's research into overseas practices, so far no country had imposed legal requirements for fitting or wearing of seat belts on passenger seats of buses designed for urban use with standing passengers.

Fitting and wearing of seat belts on buses

8. Mr Jeffrey LAM expressed concern that there might be problems in enforcing seat belt wearing especially in the upper deck of buses, and that conflicts between passengers and bus captains, and between passengers themselves might likely arise. In this regard, Ms Winnie NG, Executive Director of The Kowloon Motor Bus Company (1933) Limited/Long Win Bus Company Limited (KMB/LWB), said that KMB/LWB was actively examining with its bus manufacturer the technical and financial feasibility of equipping with seat belts all upper-deck seats of the new buses they purchased in future. In particular, there was a need to ascertain the technical viability as such would hinge on the structural designs of individual buses, and whether the anchor points could withstand the impact arising from the facilities in an accident. Notwithstanding, should

Action

legislation be introduced to require bus passengers to wear seat belts, KMB/LWB would co-operate with the Administration as necessary to enhance bus safety.

9. Mr LEE Wing-tat stressed the importance of retrofitting existing buses with seat belts not only on exposed seats but on all seats as soon as practicable by highlighting the increase in slight accidents as reported in the Administration's paper, and bus passengers' wish to ride on buses with adequate safety devices. He expressed dissatisfaction with the Administration's procrastination in this regard, and sought details on the Administration's considerations when examining whether to equip all bus seats with seat belts. C for T recapitulated the above findings on overseas practices regarding the requirements of fitting and wearing of seat belts on passenger seats of buses. He further pointed out that passengers who got hurt in bus accidents were mainly those standing in the staircase at the time. He also said that the bus companies had already agreed to install seat belts at exposed seats on their new buses. As to the retrofitting of seat belts on existing buses, there was a need to study the technical feasibility and financial implications including the effect on operating cost and fares. Meanwhile, the Administration would conduct a passenger opinion survey in April 2007 on the provision and use of seat belts on buses. It maintained an open mind on whether the wearing of seat belts on buses where available should be mandated.

10. Noting from the Administration's paper that only about half of the buses which operated on expressways had seat belts in exposed seats, Mr WONG Kwok-hing proposed that the Administration should restrict buses which did not have seat belts in their exposed seats from operating on expressways. In response, C for T cautioned that the proposed restriction might reduce the number of buses plying such roads by half and seriously affect bus service. Indeed, enhancing the driving manner and safety awareness of bus captains and other road users was a more effective measure to enhance bus safety. He further said that a study was already under way to examine the technical feasibility and financial implication of installation/retrofitting of seat belts at the exposed seats (the Study). He urged members to take into consideration the results of the Study, which was expected to complete in three months' time, when examining the proposed restriction.

11. Ms LI Fung-ying acknowledged the need to examine the retrofitting of seat belts on existing buses from different angles, and hence the need to conduct the Study. She however pointed out that passenger safety should be of paramount importance, and expressed concern that with only about half of the bus fleet equipped with seat belts in exposed seats, even when passengers were reminded to wear seat belt on buses through education and publicity, they might not be able to buckle up. Addressing her concern, C for T assured members that in recognition of the great importance of passenger safety, TD's foremost objective was that bus companies could ensure bus safety. He further clarified that the Administration was not objecting to the proposal to pursue the retrofitting of seat belts on existing buses. The Administration however considered it more appropriate to wait until the completion of the Study before coming up with a decision on the retrofitting of seat belts.

Action

Admin

12. While acknowledging the need to install seat belts on exposed seats, Ms Miriam LAU also stressed the importance of allowing sufficient time to ascertain the technical viability of retrofitting seat belts on buses not originally designed for and fitted with such facilities. In the meantime, efforts should be made to enhance the safety of exposed seats. For example, by installing additional safety devices like handrails, or even to restrict passengers from sitting on those particularly dangerous exposed seats such as the middle seat at the last row or at the front row on the upper deck. Mr CHEUNG Hok-ming echoed her views. In response, C for T undertook to examine with bus companies possible interim measures and report back in due course. He also undertook to examine Ms LAU's proposed measures above with the bus companies.

The bus companies

13. Following up on Ms Miriam LAU's proposals above, Mr WONG Kwok-hing further proposed that administrative measures should be immediately implemented to restrict passengers from sitting on exposed seats on the upper deck of buses before interim measures could be worked out to enhance the safety of exposed seats. C for T agreed to examine his proposal but stressed the need to exercise care in directing bus companies to restrict passengers from sitting on the exposed seats having regard to the power granted under the franchises. At Mr WONG's request to comment on his proposal, Ms Winnie NG of KMB/LWB said that since it was the first time that such a proposal was made, KMB/LWB would need time to examine it, and would advise the Panel in due course on when they could revert. Mr Samuel CHENG, Managing Director of Citybus Limited/New World First Bus Services Limited (Citybus/NWFBS) expressed similar views. He further elaborated that it would take time to consider the proposal because, apart from examining whether to implement it, there was also a need to examine its feasibility in the light of such implementation details as how passengers could be restricted from sitting on the seats, how these seats could be barred from passengers, actions that could be taken if passengers sat on the seats, etc. Moreover, as learnt from past experience, passengers who got hurt in bus accidents were mostly standing passengers. Mr WONG urged the bus companies to provide a written response within a week.

Working conditions of bus captains

14. In recognition of the importance of bus captains' performance to bus safety, Mr Jeffrey LAM saw a need to ensure sufficient rest for them. In this regard, he opined that proper places that could provide one-stop facilities for bus captains to take a rest, drink some water and respond to the call of nature should be provided. The Administration noted his views.

15. Mr LEE Wing-tat cast doubt on the claim in the Administration's paper that only for 10% of the bus trips would bus captains' rest time between trips be less than two minutes, pointing out that as gathered from complaints from bus captains, due to traffic congestion during peak hours, bus captains barely had time to go to the toilet during the morning peak hours of 7:00 am to 9:00 am. The same happened in the evening where routes going through busy districts were involved. He found it undesirable that little

Action

progress in ensuring sufficient rest for bus captains had been made despite repeated calls from members for improvement. In response, C for T pointed out that the Guidelines on Working Schedule for Bus Drivers (the Guidelines) had already been reviewed and revised only lately in 2004 (the 2004 Review).

16. Mr WONG Kwok-hing considered it necessary to review the Guidelines with a view to providing sufficient rest-time for bus captains. He enquired about the timetable for reviewing the Guidelines. C for T advised that the timetable would be worked out with the bus companies in due course.

17. Considering that there was a relationship between bus captains' rest time and bus accidents, Mr LAU Kong-wah pointed out that although the franchised bus accident rate per million vehicle-kilometre in 2006 represented a drop of 21% as compared with the accident rate in 1997, there was an upward trend when compared with the past three years. Moreover, bus accidents lately were of a more serious nature. In this regard, he drew C for T's attention to his observation from contact with bus captains that some bus accidents might be attributed to the need for bus captains to speed to make up for the time lost due to traffic congestion en-route so as to avoid forfeiture of their rest time. He therefore considered it undesirable that despite the 2004 Review, there were still cases where bus captains' rest time between trips was less than two minutes, which was barely enough to take a rest given the need to go to the toilet and attend to personal matters such as return calls, etc. during rest-breaks. In his view, while consideration should be given to the financial viability of bus operation, there was a greater need to ensure public safety and hence adequacy of bus captains' rest time. He sought to ascertain the stance of the Administration on whether rest-breaks of two and five minutes were sufficient and acceptable.

18. In response, C for T pointed out that whether rest-breaks were sufficient should be worked out between the bus companies and bus captains as such were related to employment terms, and the need for rest might vary with circumstances. He however believed that the bus companies also attached great importance to operational safety. He also undertook to review and revise where appropriate the Guidelines, and to take bus captains' views into consideration in so doing.

19. Ms LI Fung-ying urged the Administration to ensure that in reviewing the Guidelines, bus captain unions would be genuinely "consulted" and not just "notified", so that their views would really be taken into account before deciding on any change which might affect their working patterns. In this regard, she also urged the Administration to ensure that in implementing the principle that the break between successive working days should not be less than 9 hours, regard would be given to the fact that working days during festive seasons were usually longer and more stressful than normal given the heavier traffic, so that the bus captains concerned might be exhausted after such a working day. In response, C for T reiterated that real improvements had been introduced to the working schedule of bus captains after the 2004 Review. The Administration had also undertaken to review the Guidelines again to identify further need for improvement, in particular the rest-breaks between trips.

Action

20. The Chairman expressed dissatisfaction with the absence of breakdown of the compliance rate of the Guidelines in the Administration's paper, in particular the percentage of non-compliance. He cast doubt on whether the bus drivers would have total service breaks of at least 20 minutes within six hours of duty. He also requested C for T to state his stance towards the adequacy of two-minute rest-breaks. He further stressed the need to really make some efforts to ascertain bus captains' views on their working schedule in recognition that they might be afraid to speak their mind. Pointing out that the working schedule of bus captains had been members' concern for many years, he was keen to see some real progress in this regard to ensure passenger safety, and urged the Administration to provide early the above requested compliance and non-compliance figures. If not, he would consider the need to invite the Panel to move a motion for debate in Council to condemn the Administration for failing to put in place adequate measures to enhance bus safety.

21. In response, C for T agreed to provide the requested figures, and explained that as the Guidelines had been agreed between the bus companies and their bus captains during the 2004 Review, the Administration could not arbitrarily amend them pending completion of the current Review. The Assistant Commissioner for Transport/Bus and Railway supplemented that the total actual rest-break time of a bus captain in a working shift was often longer than the total scheduled rest-break time. For instance, an analysis of KMB's data found that on a survey day, the actual total rest times were 13% and 25% above the scheduled rest times for the peak and off peak periods respectively. A site visit by TD in mid March to keep track of the actual rest-break times of bus captains of three routes also showed that while the scheduled rest-break time was six minutes, the average actual rest-break time, which ranged from 8 to 15 minutes, was eleven minutes.

22. Mr LEE Wing-tat considered it hardly adequate to just check the actual rest-breaks of bus captains of three routes only, and expressed grave disappointment at TD for seeking to conclude that the bus companies could comply with the principle on rest-breaks of bus captains from the above site visit alone. In response, C for T explained that TD had all along been closely monitoring the compliance of bus operators with the Guidelines and the above conclusion had not been drawn on the basis of just the recent site visit.

23. Mr LAU Kong-wah and the Chairman found the Administration's response regarding bus captains' rest-breaks unsatisfactory. Pointing out that passenger safety and the well-being of bus captains should rank higher than financial considerations, they emphasized that C for T's stance in safeguarding the former two should be firm and clear, and that the Administration should be keen to play a role in reviewing the Guidelines to ensure some improvements could be made. In response, C for T reiterated that like members, bus safety was the foremost concern of TD. There was however a need to respect the outcome of the collective bargaining between bus companies and bus captains conducted during the 2004 Review. The safety of bus operation also had to be examined in perspective and from all angles. He further pointed out that the bus companies were already making efforts to improve bus captains' working schedule. Bus

Action

captains were also free to lodge complaints to TD where necessary.

24. Mr WONG Kwok-hing said that despite the conclusion of a previous analysis that there was no evidence to show that bus captains employed under contract terms had a higher accident rate than those under non-contract terms, he still did not support the employment of bus captains under contract terms because the practice would distort labour relations. He also pointed out that according to his understanding, the trade and driver unions of KMB/LWB did not support the above employment arrangement but found it difficult to object to it when told about the arrangement. Pointing out that the above employment arrangement had posed immense psychological pressure on bus captains, he urged TD to conduct anonymous interviews with bus captains on the arrangement and its impacts. In response, C for T assured members that TD already had close liaison with trade and driver unions. Commenting on the proposed interviews, he opined that the bus companies should be allowed to handle their own staffing matters. He further pointed out that there were many contract staff in TD. He however did not notice any difference in performance between TD's contract and non-contract staff.

Review of the design of buses and the use of double deck buses

25. Mr Jeffrey LAM opined that notwithstanding the low accident rate claimed in the Administration's paper, there was a need to introduce further measures to minimize bus accidents. In this regard, he enquired about how a balance could be struck between the environmental impacts arising from the use of stronger but heavier material for bus body and hence stronger engines, and the enhancement in protection the stronger material could accord bus passengers. In response, Ms Winnie NG of KMB/LWB pointed out that the aluminium alloy presently used for buses could accord bus passengers good protection because, thanks to the development of science and technology, aluminium alloy, though light, was in fact stronger than heavier materials like iron, which would easily rust in Hong Kong's wet climate.

26. Mrs Selina CHOW referred to bus accidents where the top of the bus was torn off, and was keen to ensure the conduct of a study on bus body materials and bus design to minimize such serious accidents. In this regard, she pointed out that research into overseas experience and practices alone might not help as the situation in Hong Kong, where the roads were narrow, was unique. In response, C for T stressed that with a long history of operation, the bus companies, particularly KMB/LWB, had expert knowledge in the performance of different bus models. He also believed that operational safety was high on bus companies' agenda. Ms Winnie NG of KMB/LWB added that KMB/LWB had already followed up with its bus manufacturers on each of the serious bus accidents involving it to identify the causes and possible improvements to the design of the bus body to prevent recurrence. She further confirmed that the body structure of franchised buses in Hong Kong was the same as those used in other countries such as the United Kingdom, the USA and Singapore, and that similar and even more serious bus accidents also occurred overseas. In fact, bus accidents all happened under special circumstances and might not necessarily relate only to the design of the bus body but also to the driving behaviour of the bus captain. Mr Samuel CHENG of Citybus/NWFBS echoed that the

Action

highlighted accidents did happen overseas and were not unique to Hong Kong. In fact, the number of such accidents was relatively small in Hong Kong because there were not as many low bridges, which were in many cases the cause of such accidents, in Hong Kong as in overseas.

27. Mr Albert CHAN opined that the recent spate of traffic accidents involving buses had revealed a need to conduct an overall review of the use of double-deck buses, in particular whether they should be allowed to operate on expressways in Hong Kong given their higher risks and if so, whether standing passengers should be allowed. In this regard, he also saw a need to examine whether stronger material should be used to enhance bus body strength to prevent tearing off of bus tops in accidents. In response, C for T emphasized that the body of local franchised buses was not as fragile as members thought. There was also a need to interpret the franchised bus accident rate in context when examining whether the use of double-deck buses on expressways should be prohibited. He however agreed to examine the viability, effect and implications of the above proposed prohibition in the light of overseas experience.

28. Ms LI Fung-ying pointed out that Mr Albert CHAN was only proposing to conduct an overall review of the appropriateness of allowing double-deck buses to operate on expressways in Hong Kong and if so, whether standing passengers should be allowed, and not proposing to prohibit double-deck buses from expressways right away. She found the proposal reasonable in recognition of the high speed of vehicles on expressways and the need to exhaust all measures to accord bus passengers better protection. C for T agreed that it would help to review whether standing passengers should be allowed on double-deck buses operating on expressways in Hong Kong. However, the impacts on bus operation so arising had to be examined carefully.

29. Concluding the above discussion, the Chairman pointed out that the Administration and the bus companies had yet to address the many concerns about the safety of bus operation. He urged the Administration to provide a paper to address the views and concerns expressed at this meeting, and instructed that the agenda item be retained in the Panel's list of outstanding items for discussion for further follow-up. Upon discussion, members agreed to follow up the issue three months later, after the Study was completed.

Admin

Clerk

The motion

30. The Chairman drew members' attention to the following motion proposed by Messrs LEE Wing-tat, LAU Kong-wah, WONG Kwok-hing and Ms LI Fung-ying, which was tabled at the meeting –

Action

"由於近年出現多宗涉及乘客傷亡的專營巴士意外，本委員會促請政府立即落實加強專營巴士營運安全的措施，包括立法規定巴士乘客佩戴安全帶、要求政府規定專營巴士公司必須於巴士上安裝安全帶、改善巴士車長的編更及休息安排等，以保障巴士乘客的安全；同時，本委員會對於運輸署未有接納委員的意見，表示不滿及遺憾。"

(Translation)

"That as a number of franchised bus accidents involving passenger casualties have occurred in recent years, this Panel urges the Government to immediately implement measures to enhance the safety of franchised bus operation, which should include the introduction of legislation to require bus passengers to wear seat belts, and requirement of franchised bus operators to install seat belts on their buses and to improve working schedule and rest-break arrangements for their bus captains, etc to ensure the safety of bus passengers; at the same time, this Panel also expresses dissatisfaction with and regret over the Transport Department's failure to accept members' views."

31. In briefing members on the proposed motion, Mr LEE Wing-tat echoed the Chairman's conclusion above, and expressed dissatisfaction at the progress made in ensuring safety of franchised bus operation, especially as the implementation of many reasonable measures proposed by members was still pending. He urged the Administration and the bus companies to report back on their decision regarding the measures highlighted in the proposed motion as soon as practicable.

32. Commenting on the proposed motion, Ms Miriam LAU indicated the Liberal Party (LP)'s support for the first part of it and agreed that the measures highlighted therein should be pursued as soon as practicable. However, she expressed reservation about the latter part because, in LP's view, time should be allowed for the Administration to implement the measures, in particular the retrofitting of seat belts on existing buses having regard that the Study would not complete until three months later. In addition, the Administration had already undertaken to review the Guidelines, and there was a need to work out the detailed arrangements regarding the working schedule of bus captains in collaboration with the staff side and the management of the bus companies. As such, LP at this stage did not find a need to express regret over the Administration's performance. Members of LP would therefore abstain from voting on the proposed motion.

33. Mr LAU Kong-wah did not agree with Ms Miriam LAU's remarks regarding the latter part of the proposed motion, and opined that the Administration's attitude as exhibited at the meeting should be criticized even more strongly than worded in the proposed motion. He urged the Administration to take active steps to address members' concerns expressed at the meeting. He also opined that although the proposed motion had not mentioned the bus companies, they should note that according to modern management principles, they should no longer be accountable to their shareholders only

Action

but should also ensure public safety and the health of their staff. He urged the companies and the Administration to jointly work out a plan to enhance bus safety, and indicated full support for the proposed motion.

34. Mr WONG Kwok-hing echoed Mr LAU Kong-wah's views regarding the latter part of the proposed motion, and indicated support for the proposed motion. In his view, although the Administration had made some progress in ensuring safety of franchised bus operation, its response to his proposal regarding exposed seats was negative and irresponsible. This was undesirable because passenger safety should be the foremost consideration, and any measure that could enhance passenger safety should be taken as soon as practicable. He also opined that notwithstanding the 2004 Review, improvement to the Guidelines should be introduced where necessary, especially as there were, in his view, compliance problems.

35. Also commenting on the proposed motion, Mr LEUNG Kwok-hung pointed out that while there was a need to allow time to ascertain the feasibility of retrofitting seat belts on existing buses, the working schedule of bus captains had been a concern for a long time and should be addressed without further delay. If the bus companies were unwilling to ensure sufficient rest for bus captains without cutting their wages, the Administration, being the regulator, had the responsibility to intervene because bus captains' rest and hence performance affected the lives of millions who travelled by bus every day.

36. Members agreed to proceed with the proposed motion and put it to vote. Except for the Chairman who did not exercise his voting right, of the other members present, six voted for the motion and three abstained. The Chairman declared that the motion was carried.

(Post-meeting note: The wording of the motion was circulated to members vide LC Paper No. CB(1)1216/06-07 on 26 March 2007.)

V Measures to enhance safety of public light bus and school private light bus
(LC Paper No. CB(1)1149/06-07(04) - Information paper provided by the Administration)

37. At the invitation of the Chairman, the Deputy Secretary for the Environment, Transport and Works (DS/ETB) briefed members on the progress of implementation of different measures to enhance safety of public light buses (PLBs) and school private light buses (school buses). In so doing, she supplemented that the Administration was planning to extend the mandatory requirement for the provision of escorts to school buses that served primary schools with a seating capacity of 16 or less (the proposed extension).

Action

School private light buses

Provision of escorts

38. Mr WONG Kwok-hing referred to the recent accident where a boy was injured when his bag became trapped in the doors of a school bus as it drove away (the recent accident), and enquired about the timetable for the proposed extension. In response, DS/ETW said that the Administration would pursue the matter as soon as practicable. However, owing to a number of procedures that TD needed to go through including consulting parents and school bus operators, the proposed extension was expected to be implemented in early 2008. At Mr WONG's call to expedite the process, the Deputy Commissioner for Transport/Transport Services & Management (DC for T/TS&M) explained that the proposed extension would have cost and fare implications on operators and parents respectively. There was thus a need to thoroughly consult them. Moreover, even though there was support for the proposed extension at the consultation stage, there remained a need to give operators three months' notice of the Administration's intention to include a new condition in the Passenger Service Licence according to the relevant legislation. The proposed extension would be implemented only if no objection to it was raised during the notice period. She however undertook that if the response during consultation was positive, the Administration would expedite the process where possible.

39. Mr WONG Kwok-hing asked whether pending the proposed extension, parents could volunteer as escorts on school buses that served primary schools with a seating capacity of 16 or less. In response, DC for T/TS&M explained that the Administration had all along encouraged operators to voluntarily provide escorts on school buses. Parents could also volunteer as escorts as long as they could agree on the arrangements with the schools and operators concerned. Mr WONG, however, saw a need for the Administration to play a role in advocating the arrangement. If not, to maximize incomes the operators might prefer saving all seats on school buses for school children. DS/ETW reaffirmed that the Administration would continue to encourage the arrangement.

40. Highlighting the recent accident, the Chairman questioned the effectiveness of stipulating the compulsory provision of escorts as a condition in the Passenger Service Licences issued to school bus operators, and called upon the Administration to legislate for the provision of escorts instead. In response, DS/ETW explained that the school bus involved in the recent incident, which served primary schools with a seating capacity of 16 or less, was not yet covered by the above requirement pending the proposed extension. As to enforcement of the requirement, she and DC for T/TS&M explained that in general parents and schools could play a monitoring role. Should there be a breach of the requirement, TD could refuse to renew or suspend and even terminate the Passenger Service Licence concerned. As such, there was sufficient deterrent effect and, according to DC for T/TS&M, breaches were rare. The Chairman, however, pointed out that the age difference between kindergarten and primary students was small, and called

Action

upon the Administration to implement the proposed extension as soon as possible.

Other views and concerns

41. Mr CHEUNG Hok-ming was keen to ensure that there were specific measures to encourage replacement of school buses to ensure they would be equipped with seat belts and high back seats to enhance their safety. This was because school bus passengers were mostly young children who might not be able to take good care of themselves, particularly in emergency situations. However, owners of school buses, whose mileage was normally shorter than PLBs, might not see a need for replacement of their buses even though they had served many years. In response, DS/ETW confirmed that school buses were covered in the subsidy scheme to be launched shortly, where vehicle owners replacing their pre-Euro and Euro I diesel commercial vehicles (including PLBs) with Euro IV models would be given an one-off grant (the Subsidy Scheme). The Subsidy Scheme aimed to encourage owners of commercial vehicles to replace their vehicles with more environmentally-friendly models regardless of the mileage to enhance environmental protection.

42. The Chairman sought to ascertain whether high back seats with seat belts were covered in the safer seats which newly registered school buses and nanny vans would be required to be equipped with by legislative amendments to be introduced. DS/ETW replied that unlike safer seats the effect of which had been proved in the USA and Canada, there were divided views overseas on the appropriateness of installing seat belts on school buses. The Chairman however urged the Administration to cover high back seats with seat belts in the above planned legislative amendments. In his view, this could also help to prevent school children from being crammed into fewer seats. Moreover, school children needed greater protection than PLB passengers.

43. Ms Miriam LAU pointed out that the cause of many school bus accidents was that the drivers were in a hurry to leave after dropping off the students they carried in front of their schools, which might be restricted zones where alighting activities were not allowed. She therefore called upon the Administration to issue restricted zone permits to school buses as to taxis so that they had no need to hurry when picking up/dropping off students. In response, DC for T/TS&M said that unlike taxis, school buses were operated along fixed routes, TD would favourably consider applications from school buses for picking up / setting down students within restricted zone on their routes, as long as traffic conditions permitted. Ms LAU however proposed that school buses should be allowed to drop off students in restricted zones without having to file an application. The Administration noted her proposal and would keep in view of the situation.

Action

Public light buses

Retrofitting of passenger seat belts and high back seats

44. Ms LI Fung-ying considered the Administration too optimistic in believing that the majority of the 1 145 PLBs which had served for eight or more years would be replaced and hence equipped with seat belts in the next few years. In response to her on measures available if these old PLBs were not replaced as expected, DS/ETW pointed out that while a host of factors including the operating condition and the age of the vehicle would affect the decision on whether to replace a PLB, the Administration believed that the Subsidy Scheme would provide an incentive.

45. Ms LI Fung-ying enquired whether owners of PLBs with no seat belts would be required to take interim measures to enhance PLB safety pending replacement of their PLBs, such as retrofitting their PLBs with passenger seat belts and high back seats. In response, DS/ETW pointed out that as the Administration understood, PLBs which had served for eight or more years would normally be replaced. The Subsidy Scheme could provide an impetus. She further reported that the Administration had been making efforts to encourage all existing PLBs with no passenger seat belts and high back seats to retrofit such facilities. In so doing, TD had already accepted four sets of retrofitting design plans that met the safety requirements and briefed the trade on the details in September 2006.

46. The Chairman opined that notwithstanding the enactment of the relevant law from 1 August 2004, the progress of equipping all PLBs with seat belts and high back seats was too slow to assure the public of PLB safety. In response, DS/ETW reported that with the four sets of retrofitting design plans accepted, TD had since been actively encouraging the trade to retrofit the seat belts and high back seats.

Green minibus operation

47. Ms Miriam LAU pointed out that there were fewer safety concerns about the operation of green minibus (GMB) than red minibus (RMB) because GMB drivers were staff of GMB operators and, as different from RMB drivers who were all self-employed, were not under any pressure to speed so as to run more trips to maximize incomes. She however highlighted claims that some GMB operators had subcontracted their operation to individual drivers, so that speeding might be a problem with GMBs. In response to her on whether the Administration was aware of the above subcontracting problem and whether measures were available to address it, DS/ETW pointed out that she understood that subcontracting by GMBs was not common and most GMB drivers were staff of GMB operators. DC for T/TS&M added that subcontracting was no longer a problem since the introduction of the Passenger Service Licence condition that GMB drivers should be staff of the operators, and at present over 95% of GMB drivers were staff of GMB operators. The remaining GMB routes were having internal disputes with their shareholders / partners. As such, no action could be taken pending legal proceedings. In reply to Ms LAU on whether inspection would be carried out to ensure GMB drivers

Action

were really staff of the operators and not subcontractors, DC for T/TS&M confirmed that TD conducted site inspections and would require GMB operators to provide details of their drivers for checking. Interviews with GMB drivers were also conducted from time to time.

48. Mr LEUNG Kwok-hung observed that GMB drivers were normally very old but had to work ten to twelve hours a day. In his view, the long working hours were not conducive to ensuring GMB safety, and might have resulted from the need to work overtime in return for wages sufficient to make a living. He therefore asked whether the Passenger Service Licence for GMBs contained any conditions on drivers' working schedule and wages. In response, DC for T/TS&M explained that driving skill rather than age was the major criterion in recruiting GMB drivers. As to their working schedule, TD was liaising with GMB operators to ensure the schedule was reasonable. The Guidelines on Bus Driver Working Hours were given to the operators for reference.. The wages of GMB drivers however should be determined by the market and TD had no power to require GMB operators to pay their drivers wages at certain levels.

49. Mr LEUNG Kwok-hung opined that the Administration should examine how the working conditions of professional drivers in Hong Kong compared to those of other modern cities to ensure they were reasonable, especially as market forces might not ensure GMB drivers' wages were reasonable because GMB operators enjoyed certain degree of monopoly. The Administration should therefore regulate GMB operators' personnel practices through relevant Passenger Service Licence conditions. In response, DC for T/TS&M confirmed that the working hours of professional drivers in Hong Kong were similar to those of other modern cities. As for wages, comparison with other cities might be difficult because the living standards were different. The income of GMB drivers was however similar to those of other drivers in the public transport sector. She agreed to supplement information in this regard to Mr LEUNG.

Other views and concerns

50. Noting that the Administration was finalizing legislative proposals to make misuse or malfunctioning of speed display devices an offence, Ms LI Fung-ying enquired whether the driver or the owner of the PLB concerned would be held responsible, and about the Administration's initial thinking regarding the legislative proposals, particularly the criteria for implementation. In response, DS/ETW said that the Administration's initial thinking was that the owner and/or the driver could be held responsible. Details of the legislative proposals would be submitted to the Legislative Council later.

51. Ms Miriam LAU pointed out that PLB safety hinged on drivers' commitment to safe driving. She therefore queried why of the nearly 9 000 PLB drivers, only 2 800 had signed the Safety Charter, and that only some 300 PLBs were posted with Safety Charter stickers. In response, DS/ETW and DC for T/TS&M emphasized that TD had been sparing no effort in encouraging GMB operators as well as RMB drivers and

Action

owners to post the stickers. DC for T/TS&M further explained that the idea of designing a simplified version of the Charter in the form of a sticker for displaying inside the PLBs had been raised only recently. As such, the stickers were only disseminated to PLB operators and drivers in the recent weeks. It was however expected that they would be stuck on all PLBs whose drivers had signed the Charter very soon.

52. The Chairman expressed concern about the prospect of the current trial of the vehicle monitoring system on PLBs commissioned in October 2006, noting that the first trial conducted in 2004 was unsuccessful and that a further trial carried out by another supplier in the second half of 2006 even ended in the device suffering from data loss and damages. In response, DS/ETW noted that the first two trials had failed largely because of technical problems. As to the current trial, a new approach using the global positioning system had been adopted. So far the trial had made good progress and TD would be able to report on its outcome in one to two months' time.

Admin 53. Summing up the discussion, the Chairman requested the Administration to report back on the various issues covered in the Administration's paper for this item after two months.

VI Any other business

54. There being no other business, the meeting ended at 1:00 pm.