

立法會
Legislative Council

LC Paper No. CB(1)838/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

**Minutes of meeting held on
Monday, 28 January 2008, at 8:30 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 LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, BBS, 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 attending** : Hon James TO Kun-sun
Hon SIN Chung-kai, SBS, JP
- Members absent** : Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon TAM Heung-man

**Public officers
attending**

: Agenda item IV

Mrs Avia LAI
Principal Assistant Secretary for Transport and Housing

Miss Rosanna LAW
Principal Assistant Secretary for Transport and Housing

Mr Alan WONG
Commissioner for Transport

Mr Albert YUEN
Assistant Commissioner/Bus and Railway
Transport Department

Mr T F LEUNG
Chief Engineer/Road Safety & Standards
Transport Department

Mr David TSANG
Senior Engineer/Vehicle Safety
Transport Department

Mr TANG Wai-leung
Senior Engineer/Housing and Planning
/New Territories East, Transport Department

Agenda item V

Miss Rosanna LAW
Principal Assistant Secretary for Transport and Housing

Mr M.R. Demaid-GROVES
Chief Superintendent of Police (Traffic)

Mr Blake HANCOCK
Chief Superintendent of Police
District Commander Wanchai

Mr LAM Yiu-wing
Senior Superintendent of Police
Traffic New Territories South

Mr LI Chiu-keung
Superintendent of Police
Central Traffic Prosecutions Division

Dr TAM Wing-yim
Professor, Physics Department
the Hong Kong University of Science and Technology

Mr Chao IEONG
Research Assistant
HKUST R&D Corporation Ltd. Laser Gun Testing Laboratory

Mr John READING, SC
Deputy Director of Public Prosecutions
Department of Justice

Mr Sharman LAM
Senior Government Counsel
Department of Justice

Agenda item VI

Mr Philip YUNG
Deputy Secretary for Transport and Housing

Ms Sharon HO
Principal Assistant Secretary for Transport and Housing

Mr Y S CHOW
Project Manager/Major Works
Highways Department

Mr LEE Yan-ming
Chief Engineer/Traffic Engineering
(New Territories West)
Transport Department

Mr Maurice YEUNG
Principal Environmental Protection Officer
Environmental Protection Department

Attendance by invitation : The Kowloon Motor Bus Company (1933) Limited/ Long Win Bus Company Limited

Ms Winnie NG
Executive Director

Mr Tim IP
Operations Director

Ms Winnie HO
Corporate Affairs Director

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 : Mr Kelvin LEE
Assistant Legal Adviser 1

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)628/07-08 - Minutes of the meeting held on 18 December 2007)

The minutes of the meeting held on 18 December 2007 were confirmed.

II Information papers issued since last meeting

- (LC Paper No. CB(1)465/07-08(01) - Correspondence between a member of the public and the Administration on bus service in Southern District and the positioning of bus stops en-route
- LC Paper No. CB(1)466/07-08(01) - Administration's paper on road safety (Road Safety Bulletin)
- LC Paper No. CB(1)490/07-08(01) - Administration's reply to the submission on the railway fare reduction upon rail merger dated 24 November 2007 from a member of the public to the Panel
- LC Paper No. CB(1)490/07-08(02) - Submission on railway fare reduction upon rail merger from a Mr CHOW
- LC Paper No. CB(1)495/07-08(01) - Submission on post-merger rail service from the Students' Union of PLK Lee Shing Pik College
- LC Paper No. CB(1)501/07-08(01) - Referral from the Complaints Division on extension of West Rail
- LC Paper No. CB(1)533/07-08(01) - Administration's paper on Western Harbour Crossing tolls
- LC Paper No. CB(1)533/07-08(02) - Western Harbour Tunnel Company Limited's paper on toll revision (background brief and press release)
- LC Paper No. CB(1)543/07-08(01) - Administration's reply to the letter on funding of ferry services from Mr R E J BUNKER, Chairman of The Living Islands Movement
- LC Paper No. CB(1)589/07-08 - Paper on Western Harbour Crossing prepared by the Legislative Council Secretariat (Background brief))

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

Action

III Items for discussion at the next meeting scheduled for 22 February 2008

(LC Paper No. CB(1)639/07-08(01) - List of outstanding items for discussion

LC Paper No. CB(1)639/07-08(02) - List of follow-up actions)

3. Members agreed that the following items proposed by the Administration would be discussed at the February regular meeting –

(a) Outlying island ferry services; and

(b) Fare increase applications by franchised bus companies.

IV Safety of franchised bus operation

(LC Paper No. CB(1)639/07-08(03) - Administration's paper on safety of franchised bus operation

LC Paper No. CB(1)631/07-08 - Paper on safety of franchised bus operation prepared by the Legislative Council Secretariat (Background brief))

4. Members noted the submission dated 25 January 2008 from Community for Road Safety tabled at the meeting.

(Post-meeting note: The above submission was issued to members vide LC Paper No. CB(1)721/07-08(01) dated 29 January 2008.)

5. At the Chairman's invitation, the Commissioner for Transport (C for T) updated members on the actions taken by the Administration and the franchised bus companies to further enhance the safety of franchised bus operation. Ms Winnie NG, Executive Director of The Kowloon Motor Bus Company (1933) Limited/Long Win Bus Company Limited (KMB/LWB), added that KMB/LWB was adopting the following three-pronged approach to enhance bus safety –

(a) KMB/LWB had implemented changes to the working schedule for bus captains to fully comply with the Transport Department's (TD) revised guidelines on the working hours of bus captains (the Guidelines). Further, KMB/LWB had launched in January 2008 new computer based driving simulators to enhance bus captains' training. The new training simulators would enhance bus captains' driving skills and help sharpen bus captains' reactions when facing different driving situations;

(b) Where bus structure was concerned, KMB/LWB had been working with academics, professional institutions and bus manufacturers to review bus

Action

design and structure. KMB/LWB would actively consider experts' proposals to strengthen the anchorage of the upper deck front 3 rows of seats by adding stronger plates and bolts on buses, and add additional front guard rails which would be integrated with the body structure of the bus to further strengthen the body structure; and

- (c) On the dissemination of road safety information, KMB/LWB had already made substantial publicity efforts at the District Council level. It would further gear up publicity on bus safety in response to growing public expectations in this regard.

6. Mr Samuel CHENG, Managing Director of Citybus Limited/New World First Bus Services Limited (Citybus/NWFBS), said that in recognition of the importance of safe driving behaviour, Citybus/NWFBS had been making greater efforts to improve bus captain training, and would regularly provide refresher training to its bus captains.

7. Mr Peter MOK, Executive Director of New Lantao Bus Company (1973) Limited (NLB), explained that NLB did not have double-deck buses. He however reported that retrofitting of black boxes on the existing buses of NLB would complete before end 2009. At present, nearly 60% of its buses had already been installed with the device.

Working schedule for bus drivers

8. Mr WONG Kwok-hing pointed out that since some drivers might live in remote areas, they might require a long time to travel from workplace to home and vice versa. He therefore questioned if the latest improvement (the Improvement) to the Guidelines of lengthening the minimum break period between successive working days from 9 hours to 9.5 hours could really ensure sufficient rest for bus captains. In this connection, he also highlighted a recent survey which showed that some bus captains might attempt to speed to enable themselves to go home early for rest, and proposed that the trade unions of bus companies should be consulted with regard to the actual situation.

9. In response, the Assistant Commissioner for Transport/Bus and Railway elaborated that implementation of the Improvement, which had been reported at the Panel meeting on 9 July 2007, had since been closely monitored. Frequent liaison with staff unions had also been kept up and no complaints on the working schedule had so far been received. Should there be any complaint, TD would urge the bus company concerned to follow up and make redeployment arrangements to cater to special circumstances as far as practicable. As he understood, to minimize their bus captains' travelling time to and from work and hence maximize their rest time, some bus companies had been providing employees' bus services for their bus captains.

10. Ms Winnie NG of KMB/LWB added that KMB/LWB attached great importance to the working conditions and rest time of its bus captains because their performance not only affected their own safety but also passenger safety. As such, KMB/LWB had kept

Action

up close communication with its staff and their unions in this regard, and would introduce improvements as necessary. For example, should KMB/LWB become aware that the scheduled journey time of a certain bus route was prolonged because of such factors as road works, etc, adjustments would be made.

11. Mr LEUNG Kwok-hung asked whether the Guidelines could meet the standards of the European Union (EU), and opined that whether bus captains found the Guidelines acceptable could only be ascertained with their trade unions. However, members were denied the opportunity to participate in meetings of the trade unions with the bus companies. He further pointed out that according to his understanding, most maintenance staff of bus companies had to work overtime on a long-term basis because of the companies' reluctance to recruit sufficient staff. Many bus captains were also forced to speed because the scheduled journey times of bus routes were unreasonable, and that they were given little, if any, rest time. In his view, if the bus companies continued to maximize profits by exploiting staff to minimize cost, the safety of bus operation could never be improved. He therefore supported the proposal to invite trade unions of bus companies to give views on their working conditions, and requested that a comparison with overseas places where the gross domestic product per capita was similar to that of Hong Kong be made on the time required for conducting bus maintenance and the frequency, as well as the maintenance staff's working hours.

12. In reply, C for T advised that according to surveys conducted by the Administration, the working hours of bus captains in Hong Kong were comparable to those in Canada, the United States, Switzerland, Australia, Denmark and Norway. He also pointed out that instead of seeking to standardize the working hours, the working schedule should be viewed in the light of the historical and cultural background of Hong Kong, and the many local factors that had affected the development of labour relations between respective bus companies and their bus captains. He believed that the two parties both wished to reach a consensus in relation to the working schedule to enable the latter to have sufficient rest to ensure bus safety.

13. Ms LI Fung-ying opined that the scheduled journey times of bus routes were normally very tight, and had not taken into consideration the time required to cater for wheel-chair bound passengers' special needs. As a result, bus captains were under pressure to speed to make up for the time so lost to avoid forfeiture of their rest time. She therefore urged the bus companies to be more flexible with the scheduled journey times of bus routes, and to review them should there be special circumstances.

14. In response, Ms Winnie NG of KMB/LWB emphasized that KMB/LWB would report to TD for review and adjustment of the scheduled journey times of bus routes if the actual journey times exceeded the scheduled journey times under the actual operating environment. In fact, KMB/LWB had all along attached great importance to both the physical and mental health of its drivers. As such, KMB/LWB had since April 2007 been providing annual medical examination for its bus captains aged 50 or above. In recognition of the importance of bus captains' rest time to bus safety, KMB/LWB had

Action

also been encouraging them to take more rest after work, and had organized for them talks and recreational activities that could help relieve stress, such as yoga classes. KMB/LWB would consult trade unions on further activities that could be organized.

15. Mr William CHUNG of Citybus/NWFBS elaborated that Citybus/NWFBS had been closely liaising with trade unions and would review the scheduled journey times of bus routes in the light of problems they highlighted. Moreover, its bus captains would need to, upon arrival at the bus termini, report to the terminus supervisors concerned the journey times of the trips just completed and the reasons for delays, if any. The terminus supervisors would then make arrangements accordingly to obviate the need for the bus captains concerned to make up for the delays, such as by cancelling a certain trip or skipping certain stops, etc. Citybus/NWFBS had made it clear to its bus captains that the company did not encourage them to speed to make up for delays. The above journey time reports would also be passed on to the management for consideration. Should the circumstances that led to the delays of a bus route persist, Citybus/NWFBS would adjust the journey time of the route.

16. Mr Peter MOK of NLB added that in consideration of the distance of Lantau from the urban area, NLB had provided for its drivers hostels in the vicinity of its bus termini in Mui Wo and Tai O so as to minimize its drivers' travelling time and maximize their time for rest.

17. The Chairman expressed disappointment at the progress made in enhancing bus safety, in particular in the area of bus captains' working hours because, although improvements were introduced to the Guidelines in July 2007, the number of bus accidents in the past few months had shown that the improvements had little effect in reducing the stress felt by bus captains while on driving duties. According to him, Guideline B which specified that the maximum duty (including all breaks) should not exceed 14 hours in a day could not ensure sufficient rest for bus captains. Guideline C which specified that the driving duty should not exceed 11 hours in a day was also not able to ensure that bus captains would have a balanced life with sufficient time for rest and leisure. Moreover, many bus termini did not have facilities for bus captains to take a rest and even if there were, the conditions were poor. He therefore agreed that trade unions of bus companies should be invited to express their views on bus captains' working conditions. In recognition that the trade unions might, due to likely impact on bus drivers' take-home pay, be reluctant to seek reduction of the above duty periods, he opined that the trade unions should also be invited to give views on the remuneration packages of bus captains, and whether these had any implications on the safety of franchised bus operations. He further opined that to ensure bus safety, the Administration should be keen to play a role in ensuring the working schedule and the remuneration packages of bus captains were reasonable instead of leaving bus captains to negotiate with the bus companies themselves.

18. In response, C for T pointed out that the some 12 000 bus captains in Hong Kong were all professional drivers. They all understood their important responsibilities and

Action

no excuse, not even the need to go home early for more rest, should be used to justify dangerous or irresponsible driving. He also considered it undesirable to conclude from a few isolated speeding incidents that bus captains were unable to drive safely. Despite Guidelines B and C, the maximum duty and the driving duty in practice were far below that specified, with the former on average ranging from 9.6 to 10.4 hours in a day and the latter on average ranging from 8 to 8.5 hours in a day. The Administration had also made comparison with other places and found that the local terms were comparable with those overseas. The Chairman, however, pointed out that the above quoted figures were average figures only and there might be cases where the maximum duty and the driving duty far exceeded the relevant guidelines. He therefore did not agree that speeding of bus captains were isolated incidents.

Retrofitting of seat belts/additional horizontal guard rails on franchised buses

19. In reply to Ms Miriam LAU, C for T confirmed that the seat belts to be provided at the exposed seats on all new buses would be installed by the original manufacturers. Ms LAU then questioned why seat belts would be retrofitted at the front row on the upper deck of post-1997 design buses while for the pre-1997 design buses, only additional horizontal guard rails would be installed across the upper deck windscreen. In reply, C for T explained that retrofitting of seat belt on bus types designed before 1997 was neither feasible nor cost effective because there were approximately 29 different bus types which were designed before 1997. If seat belts were to be retrofitted to these buses, each bus type would have to be evaluated and tested individually to accommodate the seat belt configuration, and the time and cost involved would be significant. However, these pre-1997 buses would be replaced gradually over the next few years when they reached the end of their serviceable life. The additional front guard rails to be installed on them would also be integrated with the body structure of the bus to further enhance protection for passengers.

20. Referring to the reported identification of an additional 30 buses with seat belts at exposed seats for deployment on expressways by end January 2008, Ms Miriam LAU enquired whether this move would enable all buses operating on expressways to be equipped with seat belts at exposed seats and if not, the shortfall. In response, C for T confirmed that some time would be required for meeting the above target. It was however hoped that the bus companies would deploy more new buses to operate on expressways as the vehicle replacement programme proceeded.

21. In addressing Mr LEUNG Kwok-hung's concern about the provision of seat belts on buses, C for T pointed out that all buses currently operating in Hong Kong were imported from Europe and complied with the European requirements. He further explained that introduction of seat belts was normally introduced by phases. For example, the requirement to provide and wear seat belts was first imposed on the front seats of private cars in 1983 and then progressively extended to those of taxis, public light buses and goods vehicles, and then later to the back seats as well. In 1997, the requirement was further extended to the bus captain's seat. As such, while the

Action

Administration would continue to work against international safety standards, it also expected the bus companies would introduce to Hong Kong the latest safety measures when they procured new buses. Notwithstanding, as long as bus captains had sufficient safety awareness and proper driving behaviours, the designs of buses currently operating in Hong Kong were safe, and seat belts and the additional rails to be installed were only supplementary facilities to passenger safety. Ms Winnie NG of KMB/LWB added that KMB/LWB was actively following up members' concern about the availability of seat belts and would complete by April 2008 the installation of additional horizontal guard rails across the upper deck windscreen of pre-1997 design buses.

22. While glad to see the progress in the provision of seat belts at the exposed seats on buses, Mr WONG Kwok-hing referred to the motion passed at the Panel meeting on 23 March 2007, which urged the Government to, inter alia, introduce legislation to require bus passengers to wear seat belts, and enquired about follow-up actions taken by the Administration in this regard. In response, C for T reported that while willing to consider the requirement, the Administration saw a need to first examine measures in support of its implementation in recognition that the large size of the bus and the great number of bus passengers might make it difficult for enforcing the requirement. Confusion might also arise if the requirement was imposed on buses equipped with seat belts but not on buses yet to be so provided due to technical and cost considerations. The Administration therefore required more time to carefully examine the requirement with all relevant parties.

Safety issues relating to passengers standing on buses operating on expressways

23. Mr CHEUNG Hok-ming highlighted the risk of passengers standing in the staircases and the upper decks of buses during peak hours, and urged the bus companies to take measures to improve the situation. Suspecting that the situation might sometimes be caused by passengers preparing to get off too early in recognition that buses normally called at stops only briefly, he enquired whether the bus companies had imposed any stipulation in this regard, and whether the calls at stops, if brief, were caused by pressure upon drivers to complete bus trips in time.

24. In response, Ms Winnie NG of KMB/LWB opined that the above highlighted problem should be addressed through education and publicity efforts. In this regard, KMB/LWB had recently launched publicity programmes through bus body advertisements, on-bus televisions or other media to remind passengers to be careful when using bus services. Such efforts would be geared up with innovation to meet higher public expectations where necessary. She further explained that bus captains of KMB/LWB would adjust the time a bus stayed at a bus stop according to the number of passengers getting on and off the bus. However, to avoid obstructing smooth traffic flow, the time would not be long except when the bus had reached the terminus.

25. Mr Albert CHAN pointed out that he had repeatedly urged the Administration to review whether standing passengers should be allowed on double-deck buses operating on expressways in Hong Kong, and expressed strong regrets that his call above had been

Action

ignored time and again. Given that standing passengers, compared with passengers sitting on buses, might be left in a more unsafe position, he was of the view that it would be illogical and unreasonable that whilst the Administration had proposed a series of measures to enhance the safety of sitting passengers, it had no plan to propose any specific measures to deal with the safety concern of passengers standing on buses operating on expressways.

26. In response, C for T explained that Mr Albert CHAN's proposal above had to be examined carefully in recognition of its implications on the carrying capacity and hence operation cost of bus, and likely bus fare increase as a result. Moreover, passengers could already protect themselves by holding on to handrails whether sitting or standing. If the bus captain could drive safely at a reasonable speed, the bus service would be safe for all passengers under normal operation. There were already sufficient handrails on buses for standing passengers to hold on to keep their balance.

27. Mr Albert CHAN found the Administration's above response a disregard of public safety and hence unacceptable. Mr LEUNG Kwok-hung shared his views, and expressed strong regrets that the Administration should find it safe for passengers to stand on buses operating on expressways. In this regard, he highlighted his experience of travelling by bus overseas, where no standing passengers were allowed on buses plying expressways, and urged the Administration to make improvement in this regard. Mr CHAN then proposed that academics and professionals be invited to give views on whether there was any safety issue arising from passengers standing on buses operating on expressways and, if so, possible measures that could be taken to address the safety risk on standing passengers. He also saw a need to request the Research and Library Services Division of the Secretariat to conduct a research on whether overseas countries allowed standing passengers on buses operating on expressways, and the measures taken to address the safety of standing passengers.

Clerk

(Post-meeting note: Report on progress of the requested research as well as a sample letter, together with the list of academics and professional bodies which the Secretariat had written to, were issued to members vide LC Paper No. CB(1)769/07-08 dated 5 February 2008.)

Design and structure of buses

28. Mr WONG Kwok-hing urged the Administration to monitor the progress of the implementation of the improvement proposals identified to enhance bus safety as a result of an expert discussion forum conducted by TD on 10 January 2008 (the expert proposals). He was concerned that the bus body seemed to have become more fragile instead of stronger as shown in recent bus accidents which resulted in severely damaged bus bodies. In response to him on measures to ensure that franchised bus companies would make improvements in this regard through bus procurement and maintenance, C for T emphasized that the body of local franchised buses was not as fragile as members thought. In fact, all buses operating in Hong Kong had to meet the requirements of the

Action

Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) according to which, every vehicle, including a bus, should be soundly and properly constructed of suitable materials; in good and serviceable condition; and of such design and method of construction as to be capable of withstanding the loads and stresses likely to be encountered in operation. All buses whether imported in whole or assembled in Hong Kong would also need to pass TD's stringent inspections before they could operate on the roads in Hong Kong. It had also been confirmed that the aluminium alloy presently used for buses, though lighter, was in fact stronger and could better protect passengers than steel, which was used in the past. In fact, aluminium alloy had already been used on buses for many years and in general had not led to increase in bus accidents but, because it was lighter, could improve stability of the bus and help save fuel. The structural safety of every model of franchised bus was also confirmed by subjecting it to various computer simulation and field tests during the design stage by the manufacturers. C for T further pointed out that buses currently in use in Hong Kong all came from the EU and their designs complied with EU requirements and hence international standards where safety and reliability were concerned.

29. Ms LI Fung-ying expressed regrets that despite repeated discussion on bus safety by the Panel, bus accidents had never ceased to happen and had even become more serious, in particular the one at Tseung Kwan O on 14 December 2007. She was therefore keen to learn how the expert proposals would be pursued, the relevant implementation timetable and how the Administration planned to monitor the progress.

30. In reply, C for T clarified that if considered in the light of the increase over the years in the mileage operated by franchised buses, the bus accident rate had indeed remained stable. There was public concern in this regard mainly because four very serious bus accidents happened in the past 18 months, leading to the deaths of five persons and the injuries of some 60. However, some relevant legal proceedings had already concluded that the driver factor was to blame. The above accidents were therefore isolated incidents, and the standard of bus safety in Hong Kong was in fact acceptable with no cause for alarm. As to the expert proposals, since the expert discussion forum that gave rise to them was in fact initiated by TD in recognition of the need to effect exchange of expert views on feasible measures to further enhance the safety of double deck buses, TD would actively follow up the expert proposals. In fact, TD had already been arranging for the academics and professionals concerned to meet with the relevant staff of bus companies and visit bus depots, so as to enable them to better understand the assembly, structure, design and maintenance of buses and hence provide informed recommendations. Follow-up of the expert proposals would in the coming one to two years be an important task of TD.

31. Mr LAU Kong-wah was glad to see the installation of black boxes on all buses completed in end 2009 in consideration of its use in monitoring drivers' performance and accident investigation. However, preventive measures were in his view more important. He therefore sought to ascertain whether the expert proposals were really useful in enhancing the safety of passengers, or that the additional rails proposed might endanger

Action

instead of protecting passengers since passengers might get hurt hitting against the rails during a collision.

32. In response, Mr Paul LI, Head of Engineering of Citybus/NWFBS, advised that as the additional front guard rails to be added would be integrated with the body structure of the bus to further strengthen the body structure, they would not pose safety risks to passengers. Moreover, the retrofitting of seat belts at the front row on the upper deck of post-1997 design buses would also help to protect passengers.

33. Ms Winnie NG of KMB/LWB likewise confirmed that the additional front guard rails could enhance protection for passengers because front seat passengers could hold on to them for support should the speed of the bus concerned become uneven. She further committed that KMB/LWB would strengthen safety publicity arrangements to instill in passengers the importance of holding on to the additional rails during bus trips.

Installation of black boxes

34. Mr CHEUNG Hok-ming referred to the black box retrofitting programme in paragraph 4 of the Administration's paper for this agenda item, and enquired whether, instead of completing the installation work by end 2009, the franchised bus companies concerned could expedite the progress. In response, C for T pointed out that the decision to urge bus companies to provide black boxes was made only two to three years before. As such, the progress was already quite satisfactory considering that some 85% of buses would be equipped with the device in end 2008 and all in end 2009. Moreover, the reason for some bus companies to take longer time to complete the installation work was technical difficulties arising from the size and/or age of their respective bus fleets. Mr Peter MOK of NLB added that since NLB had been operating at a significant loss during the past few years, out of cost considerations it could not complete installation of black boxes until end 2009. In addition, NLB had plans to dispose of certain old bus from 2007 to 2009. To avoid waste, NLB also considered it more appropriate to install black boxes only after these old buses were replaced.

35. Pointing out that only 5% of the buses of New World First Bus Services Limited (NWFBS) had been installed with black boxes, Mr CHEUNG Hok-ming enquired how the above highlighted target of equipping 85% of buses with the device in end 2008 could be achieved. In reply, Mr William CHUNG, Head of Operations of Citybus/NWFBS, advised that Citybus/NWFBS's plan was to begin the installation work with Citybus's fleet first, and NWFBS's fleet would be installed with black boxes only in 2009.

Other views and concerns

36. Mr LEUNG Kwok-hung opined that in trying to make more profits, the bus companies were putting too many buses on the roads, thereby giving rise to vicious competition. The broadcast of RoadShow for making profits would also distract the

Action

attention of passengers from the need to wear seat belts. His views were noted.

37. Noting that the franchised bus companies were considering conducting roadside checks on driving discipline at road junctions, Ms LI Fung-ying sought details on how the checks would be conducted, in particular on whether they would be conducted in secret and whether the trade unions had been consulted. In reply, C for T pointed out that TD often received complaints on the driving behaviour of bus captains. There was hence a need for the franchised bus companies to arrange regular checks on the driving behaviour of their bus captains and take appropriate disciplinary actions if improper driving behaviour was established. Mr William CHUNG of Citybus/NWFBS advised that Citybus/NWFBS's plan in this regard was to station inspectors and driving instructors at road junctions to observe bus captains' performance, including whether they had committed red light jumping, failed to observe traffic signs and stop or give way, etc.

V Use of laser guns for detection of speeding

- (LC Paper No. CB(1)639/07-08(04) - Administration's paper on use of laser guns for detection of speeding
- LC Paper No. CB(1)687/07-08(01) - Submission on laser guns for detection of speeding from a member of the public)

38. Members noted the press release on "Policy statement on the accuracy of laser guns (LGs)" tabled at the meeting.

(Post-meeting note: The above press release was issued to members vide LC Paper No. CB(1)721/07-08(02) dated 29 January 2008.)

39. Mr James TO referred to the above Police statement (the Statement), and opined that to facilitate meaningful discussion on this agenda item, certain documents mentioned in the Statement should be provided. They were the manufacturer's user manual (MM) and the internal training notes (TN) of the traffic formation which, according to the Statement, differed in some respects from the MM.

40. The Chief Superintendent of Police/District Commander Wanchai(CSP/DCW) responded that the special discussion paper tabled to members at today's Panel meeting had been prepared at short notice, to facilitate their understanding of the issues. Despite their request for copies of the TN and MM, both he and the Force's independent expert on LGs, Dr. TAM Wing-yim of the Hong Kong University for Science and Technology (HKUST), were in attendance this morning specifically to answer the queries being raised.

Action

41. At members' request, the Police agreed to arrange photocopying of the related papers to members at the meeting. Due to time constraints, only the MM was tabled at the meeting.

(Post-meeting note: The MM was subsequently issued to members vide LC Paper No. CB(1) 721/07-08(03) dated 29 January 2008.)

42. With the agreement of the Chairman, CSP/DCW provided a short background briefing outlining the Force's use of LGs. The key points were that –

- (a) At no time during the recent trial on LGs was the accuracy or reliability of the LG challenged. This had been confirmed by the Department of Justice (DoJ) who prosecuted a recent court case (the recent case) on behalf of Police, and DoJ representatives were at the Panel meeting this morning;
- (b) An independent expert in these devices, Dr. TAM Wing-yim of HKUST, had explained the workings of the LG to the media on 17 January 2008. He was also present at this meeting to answer any questions members might have;
- (c) The Force continued to operate the LG throughout Hong Kong. It was an integral part of its enforcement package against speeding offences, a leading cause of accidents on Hong Kong's roads;
- (d) In operating the LG, officers had consistently been taught to comply with the requirements in the MM. This continued to be the case; and
- (e) A Working Group headed by a senior officer in Traffic Branch Headquarters was currently reviewing internal guidelines and procedures, including training, use and operation, for the LG. Dr. TAM had agreed to provide expert assistance to that Working Group as required.

43. CSP/DCW then highlighted the major differences between the MM and the TN as follows –

- (a) The MM required that the following checks be conducted on the LG:
 - (i) the "Fixed Distance Checks" to be conducted at the Police base prior to and at the conclusion of each operation. Such checks were zero velocity checks to be conducted at 60 metres against a fixed object although an expert, Dr TAM Wing-yim of HKUST, confirmed that a distance of 50 to 60 metres was also acceptable. If the above two checks were both valid, all enforcement actions taken during the intervening period would remain valid;
 - (ii) the scope alignment test to be conducted periodically only and without any need to be conducted at a fixed distance; and
 - (iii) the 200-metre LG scope realignment procedure to be conducted only

Action

by the manufacturer during maintenance and repairs.

- (b) The TN, as different from the MM, had been drawn up to supplement the MM, and covered additional checks on the LG conducted by the Police over and above those required by the MM as an extra precaution. For example, check of the LG upon its arrival at and before leaving the point of the enforcement operation, and other fixed distance zero velocity checks. Notwithstanding the requirement in the TN to conduct such additional checks, as long as the LG operators had met the requirements of the MM, they would have satisfied the legal requirements for the operation of the LG, which had long been accepted by the Judiciary and had resulted in the satisfactory conclusion of the vast majority of speeding prosecutions.

44. Dr TAM Wing-yim, Professor, Physics Department, HKUST, followed and briefed members on the accuracy of the LG as follows –

- (a) HKUST had been conducting tests on LGs according to the MM on expressways for the Police Force since 2000, comparing the readings from LGs with those from radar guns and those shown on the speedometers of police cars. It was discovered through such tests that for the Marksman LG, which was an older model of LG, irregular data readings were in average 2 km/h only though irregularities could be as significant as 7 km/h once every 1 000 cases. However, in consideration of the relevant exemption arrangements, the accuracy of LGs was accepted;
- (b) Tests on two new models of LGs (model 4000 and model 5000 of UltraLyte LGs) were conducted in 2002. Irregular data readings as great as over 10 km/h were discovered from the model 4000 UltraLyte LGs during testing because of software problems. These guns were immediately withdrawn from operational use and returned to the manufacturer for rectification. Following subsequent full-scale tests conducted in 2004 on the runways of the old airport at Kai Tak and the Shek Kong Airfield, all but one of the model 4000 UltraLyte LGs were returned to operational use after an upgrade of software by the manufacturer using that of the model 5000 UltraLyte LGs. In 2005, a newer model of UltraLyte LGs (model 10000) were put to tests and found accurate; and
- (c) As a result of the above efforts, some 2 000 tests had already been conducted on the Marksman LGs. Those on UltraLyte LGs reached 5 000. Irregular data readings discovered were at present below 2 km/h on average although irregularities could be as significant as 7 km/h once every 5 000 cases. As such, the accuracy of LGs was not in doubt if operated according to the MM.

Action

45. In consideration of time constraints, members agreed to schedule a special meeting (the proposed special meeting) before the Panel's February regular meeting to revisit the agenda item. They also made the following requests for provision of information for examination at the proposed special meeting.

Differences between the manufacturer's user manual and the internal training notes

46. The Chairman and Mr James TO requested the Administration to provide a copy of the TN and a comparison table highlighting the differences between the MM and the TN.

47. Mr WONG Kwok-hing noted that as reported in the Statement, the Police Force was examining the discrepancies between the MM and the TN in depth and would seek expert opinion to ensure the best advice was provided to LG operators. He therefore requested the Administration to advise on the time required for providing the advice and, pending its availability, the standards which the Force would adopt when taking enforcement actions in the interim. The Administration was also requested to explain how it would prepare for the likely increase in litigations challenging the accuracy of the LG so arising.

The recent court case

48. Mr James TO pointed out that in the recent case, the driver concerned had pleaded not guilty to the charge by engaging an expert from the United Kingdom to challenge the prosecution's case on the accuracy of the LG. In this connection, he requested that the following actions be taken –

- (a) The Administration to provide a copy of the above expert report to the Panel;
- (b) Dr TAM Wing-yim to provide written comments on the above report, and to advise whether and why the deviation in accuracy allegedly resulting from not following the MM in the recent case could justify a significant revision of the speed detected from 119 km/h to 79 km/h; and
- (c) The Administration to advise whether before making the above revision decision it had consulted Dr TAM, and considered the implications thereof on other cases.

49. Mr James TO referred to the statement in the Administration's paper that in the recent case, the evidence given by the prosecution during cross-examination had failed to meet pre-trial expectations, and requested the Administration to provide further details in this regard, and on whether the relevant challenges were directed at the accuracy of the LG or at the enforcement procedures followed. The Administration was also requested to provide information on the speeding cases detected under the same circumstances including the number of such cases, whether similar enforcement

Action

procedures had been followed by other Traffic formations and if so, the irregularities, if any, so identified after reviewing the cases detected in this manner.

50. Ms Miriam LAU opined that to clear up any confusion that might arise from the seeming contradiction between the Administration's claim that the accuracy of the LG was not in dispute, and the fact that the prosecuting counsel of the recent case subsequently amended the charge from travelling at 119 km/h to the lesser charge of travelling at 79 km/h, the Administration should provide information on how it planned to revive public confidence in the LGs, and how it intended to handle the 139 written requests received for review of speeding cases in the wake of the recent case.

Operation of laser guns

51. Mr LEUNG Kwok-hung expressed concern about the operation of LGs and the resultant situations that a driver was mistakenly prosecuted as a result of the speeding offence committed by another driver. He therefore sought more details on operation of the LG including –

- (a) whether the LG could at the same time detect the speed of more than one vehicle and if so, the time taken for detection of each vehicle and the relevant conditions required;
- (b) whether the LG had to be directed at the licence plate to ensure that the speed of the vehicle concerned could be accurately detected and hence the reading considered valid; and
- (c) whether to ensure accuracy the LG had to be operated at grade instead of at angles to the target. If measurement could be taken at angles to the target, what was the minimum requirement.

52. Mr Albert CHAN noted that according to the Statement, when checking against a fixed object, a distance of 50 to 60 metres was considered acceptable when using the LG. Pointing out that the LG was often used to target vehicles 60 metres or more down the road, he requested the Administration to conduct a check of the some 200 000 speeding cases detected with the use of the LG in 2007, and report on the number of cases where the distance check was conducted at 60 metres or more down the road. Suspecting that cases so detected might be invalid, he also requested the Administration to advise whether it would consider dismissing the charge for such cases and for the equally dubious cases highlighted in paragraph 10 above, deducting the driving-offence points so incurred by the motorists concerned, and reimbursing these motorists of the fines which they were so required to pay.

53. Mr Albert CHAN opined that the hand-held operation of the LG could lead to deviations in measurement and hence complaints and grievances. Having regard that in many overseas places LGs were operated with tripods instead of hand-held, he requested

Action

the Administration to explain why Hong Kong was still sticking to hand-held operation of the LG.

Others

54. Ms LI Fung-ying requested the Administration to provide details on the justifications which speeding offenders had used to overturn charges against them in the past three years, in particular cases where justifications were related to the accuracy of the LG or the enforcement procedures.

55. Noting that Police officers were given two-day training on the use of the LG before they became qualified LG operators, Ms LI Fung-ying requested the Administration to provide information on how soon on average would a qualified LG operator be deployed after training to conduct anti-speeding operations, and whether such qualified LG operators would need to go through reassessment after a certain period of time.

56. As proposed by Mr WONG Kwok-hing, members further agreed that a site visit for a demonstration of a speed check operation using the UltraLyte LG should be organized before the proposed special meeting.

The motion

57. Mr LEUNG Kwok-hung pointed out that, apart from the differences between the MM and the TN, the current hand-held operation of the LG might also be problematic because, according to his understanding of the MM, to ensure accuracy the LG should be operated after being mounted on a tripod or monopod. He therefore sought to move the following motion –

"警方在未劃一使用雷射槍指引前，暫停使用作測量及檢控超速之用。"

(Translation)

"The Police should suspend the use of laser guns for detecting and prosecuting speeding offences before unifying the guidelines on their usage."

58. The Chairman agreed that despite the Administration's assurances of the accuracy of the LG, in consideration of the differences between the MM and the TN, and members' above queries about the operation of the LG, it might be advisable to suspend use of the LG before satisfactory follow-up of the issue by the Legislative Council to revive public confidence in the LG, so as to obviate disputes, unfairness to drivers and unnecessary litigations.

59. 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,

Action

five voted for the motion and two 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)719/07-08 on 29 January 2008.)

Admin

60. Summing up, the Chairman urged the Administration to provide information and organize the site visit as requested above as early as possible to facilitate discussion at the proposed special meeting. He also said that subject to the Administration's view, the item on "Outlying island ferry services" originally scheduled for discussion at the February regular meeting might be advanced to the proposed special meeting.

(Post-meeting note: This item and the item on "Safety of franchised bus operation" were subsequently added to the agenda for the February meeting of the Panel, the meeting time of which was advanced to start at 9:00 am instead of 10:45 am.)

VI Reconstruction and improvement of Tuen Mun Road and widening of Tuen Mun Road at Tsing Tin Interchange

(LC Paper No. CB(1)639/07-08(05) - Administration's paper on reconstruction and improvement of Tuen Mun Road and widening of Tuen Mun Road at Tsing Tin Interchange)

61. Members in general supported the Administration's proposal to upgrade the reconstruction and improvement of Tuen Mun Road (TMR) and widening of TMR at Tsing Tin Interchange (the proposal). They, however, also expressed various views and concerns about the projects.

Members' views and concerns

Traffic impacts

Admin.

62. Ms Miriam LAU was concerned that the congestion problem on TMR might deteriorate due to traffic disruptions resulting from implementation of the projects, especially as the implementation period was long spanning eight years from 2008 to 2016. She therefore requested more details on the measures that would be taken to minimize the traffic impacts of the projects. Mr CHEUNG Hok-ming and Mr LEE Wing-tat shared her concern. While Mr CHEUNG urged the Administration to pay particular attention to ensuring smooth traffic flow in the town centre section of TMR, Mr LEE requested the Administration to provide in the relevant paper to be submitted to the Public Works Subcommittee (PWSC) information on the Administration's estimates on the projects' worst impact on TMR's traffic flow. Pointing out that according to his own experience, TMR was already congested from time to time at the town centre

Admin.

Action

section, Mr LEE also urged the Administration to actively explore contingency measures, such as adoption of the tidal flow system, to deal with traffic incidents and emergencies that might arise in TMR during project implementation, so as to ensure smooth operation of TMR to obviate complaints.

63. In this regard, Ms Miriam LAU recalled that in the past, when works were conducted on TMR, arrangements would be made for the bulk of works to be conducted during night time, and to suspend works and cover road openings with metal plates during peak hours to enable traffic to return to normal. She enquired whether similar arrangements would be made for the projects.

Environmental concerns and the tree proposal

64. Mr WONG Kwok-hing called for the projects' early implementation to solve the congestion problem on TMR. He then enquired whether the Administration had consulted the relevant District Councils (DCs) on the environmental mitigation measures to be taken to mitigate the noise nuisances resulting from the projects, and whether the DCs were satisfied that the measures could address relevant local concerns.

65. Mr Albert CHAN was glad to see the implementation of the projects which in his view was long-overdue although he was not satisfied with their design. In particular, he expressed regrets that TMR would be widened at certain sections only and not along its full length. However, to expedite the projects, he agreed to support the submission of the proposal to PWSC pending introduction of the following improvements to the design –

- (a) improvements to the proposed noise barriers under the projects which many considered unsightly, bulky and not environmentally friendly; and
- (b) measures to address concerns about the cutting of trees to make way for the projects. In particular, efforts should be made to obviate cutting of those old and valuable trees. If necessary, such trees should be moved elsewhere to preserve them.

The Administration's responses

66. The Deputy Secretary for Transport and Housing (Transport)¹ advised that the Administration had been closely liaising with the relevant DCs and community organizations to allay their concerns about the projects, including traffic impacts, noise impacts, the preservation of important trees, etc. The Project Manager/Major Works of the Highways Department then briefed members on the measures to be taken by the Administration to address the above concerns as follows –

- (a) To minimize the *traffic impacts* of the projects, the following measures would be taken:

Action

- (i) the Administration would introduce appropriate traffic arrangements to ensure that during peak hours, the number of traffic lanes would be maintained at the current level notwithstanding implementation of the projects. Works would be implemented during non-peak hours and night works would be carried out as appropriate;
 - (ii) close liaison with the relevant DCs would be maintained. The Administration would continue to consult TMDC in the following months on the temporary measures to minimize the impacts of project implementation on the traffic and report regularly about the progress and performance of the temporary traffic arrangements; and
 - (iii) a traffic centre comprising site engineers of the projects as well as representatives from the Highways Department, the Transport Department and the Police would be set up. Towing service would also be provided during project implementation period to minimize the recovery time at incident spot.
- (b) On the *aesthetic design of the proposed noise barriers*, architects and landscape architects would be engaged to offer expert advice to ensure that the final design would be compatible with the surrounding environment.
- (c) As regards *the tree proposal*, many trees were planted when TMR was constructed some 25 years before. Since some of them were not local species, they in fact had not grown very well. In order to make way for the construction of hard shoulders on both sides of TMR and improvement to the merging/diverging lanes, it was necessary to remove some 5 000 no. of trees mostly on slopes. To make up for the loss, the Administration would incorporate planting proposals at a cost of \$200 million as part of the project, including estimated quantities of about 157 000 no. of trees. Felling of trees would also be conducted in phases, with replanting conducted immediately after the conclusion of each phase. In addition, care would be exercised to select local species for replanting to ensure fast growth, so that the impact of the felling of trees could be mitigated within a few years.

Admin. 67. Noting the above response, Ms Miriam LAU requested that details on the measures to be taken to mitigate the traffic impacts of the projects be incorporated in the relevant paper to be submitted to PWSC.

68. Summing up the above discussion, the Chairman confirmed the Panel's support for the submission of the proposal to PWSC for endorsement on 20 February 2008 and for the approval of the Finance Committee on 25 April 2008.

Action

VII Any other business

69. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1
Legislative Council Secretariat
21 February 2008