

**Motion debate on
“Medical check-ups for professional drivers”
At the Legislative Council meeting on 5 May 2010
Progress Report**

Purpose

At the Legislative Council (LegCo) meeting on 5 May 2010, the motion moved by the Hon Andrew Cheng Kar-foo as amended by the Hon Li Fung-ying was carried. The wording of the original motion and the passed motion is at **Annex I**. This report briefs Members on the work progress of the major areas covered by the motion.

Provision of medical check-up services for commercial vehicle drivers by public medical institutions

From the medical point of view, medical examinations should be conducted in accordance with doctor’s recommendation with respect to one’s particular conditions, such as medical history, risk factors, personal life style and family history, etc. They should bear clear targets and well-defined results, such that any change in body conditions could be identified accurately and reliably to enable specific follow-up action to be taken.

It is the Government’s policy to promote and protect the health of our community, and to provide Hong Kong residents with subsidized public hospital and healthcare services. The Hospital Authority will continue to provide appropriate service to the community through hospitals and clinics in different districts across the territory, including outpatient and inpatient service of different specialties and ambulatory service etc. The Department of Health will continue to provide the necessary healthcare services in accordance with the needs of different client groups. A diversified range of health promotion and disease prevention services specific to the needs of clients of different age groups, including family, students and elderly health services, will continue to be provided as well.

The Occupational Safety and Health Centre of the Labour Department promotes occupational safety and health among employers and employees. Therefore, its services do not cover general medical examinations for members of the public, such as commercial vehicle drivers. Notwithstanding this, any worker suspected to be suffering from occupational diseases or whose diseases are shown to be possibly work-related through medical examination services may consult the Occupational Health Clinics of the Labour Department. Doctors of the Clinics will provide appropriate medical treatment and advice on preventing occupational and work-related diseases.

Urging employers to ensure that commercial vehicle drivers have sufficient rest time and that they are physically fit to drive

With respect to the rest time for drivers of commercial vehicles, the Transport Department (TD) has issued guidelines on working schedules for franchised bus companies and green minibus (GMB) operators who operate services for more than five million passengers every day. These guidelines ensure that their drivers have sufficient rest time and the guidelines are subject to reviews when necessary.

Franchised Buses

In the case of franchised buses, to ensure that bus captains have adequate rest time, TD has initiated another review on the existing working hour and rest time arrangements of the bus captains in conjunction with the franchised bus companies since late 2009. In the process of the review, TD has also arranged meetings with the bus captain unions to listen to their views on the current arrangements and their areas of concerns.

Taking into account the views of the bus companies and the bus captain unions, TD is pursuing various improvements measures, including the duration of the break between two successive working days and the meal break time. TD has reported progress to the Legislative Council Panel on Transport on 28 June 2010 (the relevant paper is at **Annex II**), and will continue to maintain close contact with the bus companies and bus captain unions in implementing the measures.

Green Minibuses

The existing guidelines on the working hours of GMB drivers are set out below:

- each shift period of GMB drivers, including all rest breaks, should not exceed 14 hours at the maximum per day; and
- the driving hours of GMB drivers (i.e. the maximum hours of a shift period less all rest breaks that last for 15 minutes or more) should not exceed 11 hours per day.

The guidelines on the working hours of GMB drivers have been worked out after TD's consultation with the GMB trade. GMB operators are responsible for the working arrangements of their drivers. However, with a view to ensuring that safe, efficient and reliable GMB services are provided, TD has been reminding the trade to comply with the guidelines mentioned above and has requested GMB operators to arrange proper working hours for their drivers.

Other drivers of commercial vehicles

As for drivers of other commercial vehicles, since they are mostly self-employed rather than employees of any large organisation, it is difficult to enforce or monitor their rest time. Nevertheless, in regular meetings with the transport trades, TD has been conveying the message from time to time that it is important for drivers to have sufficient rest time.

Health conditions of commercial vehicle drivers

The relevant employers and public transport operators are responsible to ensure that their drivers are physically fit to provide safe transport services. If employers and public transport operators find any driver physically or mentally unfit for driving while on duty, they should not assign any driving duty to the driver and should request the driver to see a doctor or undergo a medical check-up. TD will, through regular meetings with the trade, continue to convey to drivers of commercial vehicles the message that it is dangerous to drive when one's conditions are not good.

Encouraging all commercial vehicle drivers to undergo regular health checks; and requesting the Transport Department to allocate more resources by the Transport Department to health awareness and relevant publicity activities

TD will continue to encourage commercial vehicle drivers to pay attention to their health conditions for the benefit of themselves, their families as well as other road users. They should not drive should they feel physically or mentally unwell, and should consult a doctor to better understand their physical fitness, and undergo medical examinations as necessary.

Subject to resources, TD would consider organising more education and publicity campaigns to disseminate safe driving and health messages. TD will also arrange certain commercial vehicle drivers to undergo preliminary health checks to enhance their awareness on health condition. Further, TD will make use of other channels, e.g. regular meetings with the trades, cooperation with Road Safety Council, safe driving seminars, publications, newsletters, webpage and electronic media to enhance the safe driving and health awareness of commercial vehicle drivers so as to further enhance road safety.

**Transport and Housing Bureau
July 2010**

**Motion debate on
“Medical check-ups for professional drivers”
At the Legislative Council meeting on 5 May 2010**

The Hon Andrew Cheng Kar-foo’s original motion

That quite a number of incidents of drivers feeling unwell and becoming unconscious while driving occurred in recent years, with some even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers; as the health problems of professional drivers have direct impact on passenger safety, this Council urges the Government to expeditiously allocate additional resources, and study and formulate policies to motivate professional drivers to undergo regular medical check-ups to safeguard their health as well as the safety of road users, including:

- (a) to study the provision of medical check-up services for professional drivers by public medical institutions, including the Department of Health, the Hospital Authority, etc., and the workers’ health centre of the Labour Department;
- (b) to consider requiring professional drivers to submit medical reports to prove that they are physically fit to drive when applying for or renewing driving licences;
- (c) to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers;
- (d) to request the Transport Department to allocate more resources to the relevant activities, including the ‘Safe Driving and Health Campaign’, ‘Health Check Days’, etc., so that such activities can cover more professional drivers and the health checks can be conducted in a more comprehensive and thorough manner; and
- (e) to step up the relevant publicity and public education so that more professional drivers will care and know more about their own health conditions.

**Motion debate on
“Medical check-ups for professional drivers”
At the Legislative Council meeting on 5 May 2010**

Motion moved by the Hon Andrew Cheng Kar-foo as amended by the Hon Li Fung-ying

That, as quite a number of incidents of drivers feeling unwell and becoming unconscious while driving occurred in recent years, with some even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers being affected by excessively long working hours; as the health problems of professional drivers have direct impact on passenger safety, this Council urges the Government to expeditiously allocate additional resources, and study and formulate policies to ensure that professional drivers have sufficient rest time and motivate professional drivers to undergo regular medical check-ups to safeguard their health as well as the safety of road users, including:

- (a) to study the provision of medical check-up services for professional drivers by public medical institutions, including the Department of Health, the Hospital Authority, etc., and the Occupational Safety and Health Centre of the Labour Department;
- (b) to urge employers to ensure that professional drivers have sufficient rest time and that they are physically fit to drive;
- (c) to encourage all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers;
- (d) to request the Transport Department to allocate more resources to the relevant activities, including the ‘Safe Driving and Health Campaign’, ‘Health Check Days’, etc., so that such activities can cover more professional drivers and the health checks can be conducted in a more comprehensive and thorough manner; and
- (e) to step up the relevant publicity and public education so that more professional drivers will care and know more about their own health conditions.

For discussion
on 28 June 2010

**Legislative Council Panel on Transport
Working Hour and Rest Time Arrangements
of Franchised Bus Captains**

Purpose

This paper updates Members on the progress in the pursuit of measures to further enhance the working hour and rest time arrangements for the bus captains of franchised bus companies.

Background

2. The Legislative Council Panel on Transport (the “Panel”) was briefed on 27 November 2009 (LC Paper No. CB (1) 430/09-10(06)) on measures to enhance the safety of franchised bus operation. To ensure that bus captains have sufficient rest time, guidelines have been issued by the Transport Department (“TD”) to the franchised bus companies for application in arranging the duties of their bus captains. The current guidelines, viz. “Guidelines on Bus Captain Working Hours” (the “Guidelines”) at Annex was last reviewed and revised in 2007. The Panel requested the Administration to further review the Guidelines to ensure that bus captains have adequate rest time.

Review on Guidelines on Working Hours of Bus Captains

3. Following the meeting of the Panel on 27 November 2009, TD reviewed the existing working hour and rest time arrangements of the bus captains in conjunction with the franchised bus companies. In the process of the review, TD has also arranged meetings with the bus captain unions to listen to their views on the current arrangements and their areas of concerns. The requests of the unions are mainly related to improvements to rest times during a duty, meal break times, breaks between two successive working days, and amenity facilities at some bus termini. While all the unions request for the provision of amenity and other facilities at bus termini to enhance their convenience and consider that time spent at termini in monitoring the boarding activities of passengers should not be taken as rest time, there are different views expressed with regard to the meal break

arrangement and breaks between successive working days. Their main concern appears to be on the resultant re-scheduling arrangement which would have impact on the bus captains' working pattern.

4. Taking into account the views of the bus companies and the bus captain unions, TD is pursuing the following improvements to the working hour and rest time arrangements:

- (a) during a 6-hour duty, a total service break of at least 20 minutes should be provided, of which no less than 12 minutes should be within the first 4 hours of the duty. The time a bus captain spends at a terminal point preparing a bus for the next departure and monitoring passenger boarding will not be regarded as rest time;
- (b) the duration of the break between two successive working days will be revised from the current 9.5 hours minimum to 10 hours minimum; and
- (c) the meal break time for bus captains will be no less than 45 minutes initially, with further improvement to no less than one hour.

5. The bus companies are prepared to implement (a) and (b) above. However, they would need time to work out practicable arrangements, including mobilisation and re-scheduling some driving duties. In doing so, they would also need to engage their bus captain unions to work out the detailed arrangements, in particular for those bus captains whose working patterns would be affected. TD is working with the bus companies to have (a) and (b) implemented by December 2010.

6. The implementation of the improvements at (c) above will have more substantial impact on the working hours and working patterns of some bus captains. The bus companies will need to recruit and train additional bus captains to cover the service gaps arising from the increase in rest time and meal break time. In view of the changes in the driving pattern, the bus companies will also need to train up some of the existing bus captains to enable re-scheduling arrangement. The bus companies are consulting their staff unions on the proposals and detailed arrangements. Subject to further discussion between the bus companies and the unions, and on the basis that sufficient bus captains are recruited and trained, TD intends to request the bus companies to complete the improvement of meal breaks to no less than 45 minutes by around the third quarter of 2011 and the further improvement to no less than one hour in about one year thereafter.

Monitoring of Compliance of the Guidelines

7. TD has requested the franchised bus companies to set up internal monitoring systems to ensure that the Guidelines, including the proposed improvements in paragraph 4 above when implemented, are complied with in actual operation and to submit regular monitoring reports to TD. TD will continue to monitor the actual implementation of the Guidelines and will conduct monitoring surveys from time to time to ensure compliance with the Guidelines. TD will also continue to maintain liaison with the bus captain unions to gauge their feedback on the working hour and rest time arrangements.

Enhancement of Amenity Facilities at Bus Termini

8. The franchised bus companies are making on-going efforts to provide amenity facilities, such as rest rooms, toilets, drinking water dispensers, microwave ovens, or refrigerators at many bus termini for use by the bus captains and other frontline staff. Since 2009, the bus companies have improved amenity facilities at 71 bus termini. As at early June 2010, more than 70% of the bus termini have rest rooms/rest areas and toilets, about 80% have supply of free drinking water, and about 50% have microwave ovens and refrigerators. TD noted that some bus captain unions have requested for the provision of amenity facilities at more bus termini, or enhancement of existing facilities at some termini. The bus companies, after consulting their staff representatives, have drawn up plans to improve the amenity facilities of 25 bus termini within the next 12 months. TD will monitor progress and will facilitate implementation through liaison with and coordination among other parties where appropriate.

Advice Sought

9. Members are invited to note the content of this paper.

Guidelines on Bus Captain Working Hours

(Revised in July 2007)

- Guideline A - Bus captains should have a break of at least 30 minutes after 6 hours of duty and within that 6-hour duty, the bus captains should have total service breaks of at least 20 minutes of which no less than 12 minutes should be within the first 4 hours of the duty.
- Guideline B - Maximum duty (including all breaks) should not exceed 14 hours in a day.
- Guideline C - Driving duty (i.e. maximum duty minus all breaks of 30 minutes or more) should not exceed 11 hours in a day.
- Guideline D - Break between successive working days should not be less than 9.5 hours.