

立法會

Legislative Council

LC Paper No. CB(1)1188/09-10

(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

Minutes of meeting held on Friday, 27 November 2009, at 8:30 am in the Chamber of the Legislative Council Building

- Members present** : Hon CHEUNG Hok-ming, GBS, JP (Chairman)
Hon Andrew CHENG Kar-foo (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 Tommy CHEUNG Yu-yan, SBS, 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
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon WONG Sing-chi
Hon IP Wai-ming, MH
- Member attending** : Hon LEE Cheuk-yan
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Public officers attending** : **Agenda item IV**
Miss Erica NG
Principal Assistant Secretary for Transport and
Housing

Mr Joseph LAI
Commissioner for Transport
Transport Department

Mr Don HO
Assistant Commissioner / Management &
Paratransit
Transport Department

Mr Albert SU
Principal Transport Officer / Urban
Transport Department

Mr M R DEMAID-GROVES
Chief Superintendent of Police (Traffic)
Hong Kong Police Force

Ms CHU Ming-po
Senior Superintendent of Police (Adm) (Traffic)
Hong Kong Police Force

Agenda item V

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mrs Hedy CHU
Principal Assistant Secretary for Transport and
Housing

Mr Albert YUEN
Assistant Commissioner/Bus & Railway
Transport Department

Miss Alice AU YEUNG
Principal Transport Officer / Bus & Railway
Transport Department

Agenda item VI

Miss Janet WONG
Principal Assistant Secretary for Transport and
Housing

Miss Erica NG
Principal Assistant Secretary for Transport and
Housing

Mr Joseph LAI
Commissioner for Transport
Transport Department

Mr Albert YUEN
Assistant Commissioner/Bus & Railway
Transport Department

Mr David TSANG
Senior Engineer / Vehicle Safety
Transport Department

**Attendance by
invitation** : **Agenda item V**

MTR Corporation Limited

Mr Morris CHEUNG
Chief of Operating

Mr Vincent LUK
General Manager – Human Resources

Mr Jeff LEUNG
Senior Manager – External Affairs

Agenda item VI

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

Mr Edmond HO
Managing 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 and Planning

New Lantao Bus Co. (1973) Ltd.

Mr Matthew WONG
Managing Director

Mr Peter MOK
Executive Director

Clerk in attendance : Ms Joanne MAK
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**
(LC Paper No. CB(1)419/08-09 — Minutes of the meeting held
on 15 October 2009)

The minutes of the meeting held on 15 October 2009 were confirmed.

- II Information papers issued since last meeting**
(LC Paper No. CB(1)172/09-10(01) — Administration's paper on
the Net Revenue Statement
for 2008-2009 submitted by
the Western Harbour
Tunnel Company Limited
LC Paper No. CB(1)172/09-10(02) — Administration's paper on
the Net Revenue Statement
for 2008-2009 submitted by
the Route 3 (Country Park

Section) Company Limited

- LC Paper No. CB(1)275/09-10(01) — Submission on the restructuring plan on cross-harbour bus routes to relieve congestion at the Cross Harbour Tunnel from a member of the public
- LC Paper No. CB(1)275/09-10(02) — Submission on the proposal to require professional drivers to take out "professional driver insurance" from Taxi & PLB Concern Group
- LC Paper No. CB(1)316/09-10(01) — Letter from a member of the public on Hong Kong Resorts' proposal to allow taxis and buses into Discovery Bay
- LC Paper No. CB(1)426/09-10(01) — Submission on the provision of an elevator next to Hang Ping Street Playground from Kwai Chung Estate Residents' Rights Concern Group
- LC Paper No. CB(1)426/09-10(02) — Submission on the permitted operating area of New Territories taxis from Taxi & PLB Concern Group
- LC Paper No. CB(1)441/09-10(01) — Submission on octopus fares from a member of the public
- LC Paper No. CB(1)441/09-10(02) — Submission on the Holiday Concession Scheme for Senior Citizens from Chinese Grey Power
- LC Paper No. CB(1)443/09-10(01) — Submission on "Outlying Island Ferry Services" from "Living Islands movement"
- LC Paper No. CB(1)453/09-10(01) — Administration's paper on 76TI - bus-bus interchanges on Tuen Mun Road)

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

III Items for discussion at the next meeting scheduled for 15 December 2009

- (LC Paper No. CB(1)430/09-10(01) — List of outstanding items for discussion
- LC Paper No. CB(1)430/09-10(02) — List of follow-up actions
- LC Paper No. CB(1)440/09-10(01) — List of items on which the Administration intends to brief the Panel through the submission of information papers)

3. Members agreed to discuss the following items at the next regular meeting on Tuesday, 15 December 2009, at 8:30 am –

- (a) Tate's Cairn Tunnel toll increase application; and
- (b) Enhancement of professional drivers' health awareness.

IV Measures to enhance safety of public light bus operations

- (LC Paper No. CB(1)430/09-10(03) — Administration's paper on enhancing safety of public light bus operation
- LC Paper No. CB(1)439/09-10 — Paper on measures to enhance safety of public light bus operations prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)440/09-10(02) — Submission from H.K. Public Light Bus Owner & Driver Association
- LC Paper No. CB(1)509/09-10(01) — Submission from the PLB Branch of the Motor Transport Workers General Union)

4. The Commissioner for Transport (C for T) briefed members on the Administration's proposed measures to enhance safety of public light bus (PLB) operation, and the progress with the measures to improve the traffic condition at the junction of Sai Yeung Choi Street South and Mong Kok Road. The Chief Superintendent of Police (Traffic) (CSP(T)) supplemented details on the enforcement actions taken by the Police.

Installation of speed limiters and blackboxes on public light buses

5. Members in general welcomed the proposal to require PLBs to install speed limiters, and blackboxes as appropriate. Mr Albert CHAN, however, opined that to prevent PLB operators from passing the cost for installing the blackbox and the speed limiter onto passengers, the Administration should consider subsidizing at least part of the relevant installation costs. C for T responded that the procurement and installation costs of the compulsory speed limiter only ranged from \$5,000 to \$7,000. Being one-off, the cost per day was only some \$20. Moreover, when PLB operators applied for fare increase on grounds of increase in operating cost incurred by the installation, the Administration would have to be satisfied that the application was justified.

6. Mr Ronny TONG questioned why the Administration had proposed to set the maximum speed of speed limiters on certain PLBs at 100 kilometres per hour (km/h), pointing out that most PLB accidents occurred in the urban areas where speed limits were far below 100 km/h. C for T responded that a speed limit of up to 100 km/h would only be set for PLBs operating on expressways. In recognition that most PLB routes were operated on roads with speed limits not exceeding 80 km/h, the Transport Department (TD) would in general set the maximum speed of speed limiters on PLBs at 80 km/h. He emphasized that notwithstanding the maximum speed of speed limiters, a PLB driver should take heed of the road traffic condition and should not drive at speed exceeding the speed limits of the road sections concerned.

7. The Deputy Chairman pointed out that accidents might occur when PLBs with speed limiters set at 100 km/h entered the urban areas. He opined that the speed limiters of all PLBs, whether operating on expressways or not, should be set at a maximum speed of 80 km/h. He urged the Administration to consider his request.

8. The Deputy Chairman opined that the blackbox should be included as a basic equipment of all PLBs instead of only newly registered PLBs. C for T responded that the Administration considered it unadvisable to require retrofitting of blackboxes on existing PLBs because retrofitted blackboxes were vulnerable to tampering and hence unreliable. The Deputy Chairman did not agree. Highlighting the effect of the blackbox in deterring speeding, he urged the Administration to reconsider imposing the requirement of installation of blackbox on existing PLBs as well.

9. Mr Jeffrey LAM enquired about studies and trials conducted to enable the installation of blackboxes on existing PLBs. The Assistant Commissioner for Transport/Management & Paratransit (AC for T/M&P) responded that the Administration had only proposed to require newly registered PLBs to install blackbox because existing PLBs came in different models, and there was difficulty in identifying a reliable standard model of blackbox that would suit all. As to the blackboxes to be installed on new PLBs, since they would have standard specifications, their inspection and maintenance could be easily

conducted during the annual examination of the PLBs concerned. Moreover, although the Administration was still finalizing the technical details of the blackbox for new PLBs, quite a few suppliers had already indicated interest in designing the blackbox. Mr LAM urged the Administration to accelerate its study on the feasibility of retrofitting the blackbox on existing PLBs to facilitate voluntary retrofitting. AC for T/M&P responded that the finalized technical details of the blackbox identified for installation on new PLBs would be provided to operators of existing PLBs. The latter could then consider installation where feasible, and if installed, TD would ensure the accuracy of the retrofitted blackboxes during the annual examination of the PLBs concerned.

Drivers' pay and working hours

10. Mr Ronny TONG opined that to tackle the problem of speeding by PLBs, the Administration should seriously review the pay systems and working hours of green minibus (GMB) drivers in recognition that under the commonly adopted revenue sharing arrangement, GMB drivers might try to maximize incomes by working more than one shift, or speeding so as to run more trips. Where necessary, the Administration should also consider stipulating the standard working hours of GMB drivers. Ms LI Fung-ying shared his views.

11. C for T responded that after consulting the PLB trade, a set of guidelines on working hours (the PLB Guidelines) had been given to PLB operators for reference. The PLB Guidelines specified that the maximum duty (including all breaks) should not exceed 14 hours in a day, and that the driving duty (i.e. maximum duty minus all breaks of 15 minutes or more) should not exceed 11 hours in a day. TD also monitored and liaised with GMB operators to ensure compliance with the PLB Guidelines and so far no non-compliance had been identified. At Ms LI Fung-ying's request, the Administration agreed to provide figures on the actual working hours of GMB drivers.

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12. Mr Ronny TONG queried if the working hours specified in the PLB Guidelines could ensure safety of PLB operation. Ms LI Fung-ying expressed grave concern that if the travelling time to and from work was taken into account, PLB drivers might not have sufficient rest. C for T responded that the above working hours had been determined in consultation with the PLB trade, and that the PLB Guidelines basically followed those for franchised bus drivers.

13. The Deputy Chairman said that in view of the importance of road safety, the Administration should ensure reasonable rest time was allowed for drivers. He further proposed that the Administration should reduce the maximum daily duty hours under the PLB Guidelines from 14 to 10 and the maximum daily driving duty hours from 11 to eight. Mr WONG Kwok-hing,

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Mr Albert CHAN and Mr Ronny TONG also considered the specified numbers of hours unacceptable and expressed support for a review to be conducted by the Administration of these working hours. Mr Ronny TONG requested the Administration to give its views on the 11-hour daily driving duty for PLB drivers, and to provide a comparison table of their working hours with their counterparts overseas. C for T agreed to revert in writing.

14. Highlighting the road safety hazards posed by professional drivers who worked long hours, Mr IP Wai-ming enquired how the Administration monitored compliance with the PLB Guidelines. He was also keen to ensure that proper facilities were provided for PLB drivers to take a rest. The Principal Transport Officer/Urban (PTO/U) responded that PLB operators were required to provide the working schedules of their drivers to TD for monitoring. TD also conducted site and on-board inspections. Mr IP opined that the Administration should also conduct random checks and interview the drivers to understand their operation and needs.

15. Mr IP Wai-ming considered the number of traffic accidents involving GMBs with drivers remunerated solely on revenue sharing basis high, and urged the Administration to restrict GMB operators from adopting this pay system. PTO/U responded that as shown in the table (the Table) on the number of traffic accidents involving GMBs from 2006 to first half of 2009 (Annex 2 to the Administration's paper), there was not any direct correlation between the pay systems for GMB drivers and the safety of GMB operation. Moreover, the Administration was closely monitoring the safety performance of individual GMB operators, and would require them to make improvements where necessary.

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16. Referring to the Table above, the Deputy Chairman criticized that its presentation of information was confusing as different expressions such as "per 1 000 registered GMBs" and "per million vehicle-kilometre" were used to indicate the number of vehicles involved in accidents. Mr IP Wai-ming expressed concern about the accident rate of PLBs among all classes of vehicles and requested a breakdown of the number of accidents involving drivers remunerated differently to be provided by the Administration. C for T agreed to provide the information.

17. Mr WONG Kwok-hing questioned the Administration's claim that there was no direct correlation between the pay systems for GMB drivers and the safety of GMB operation. He said that according to the submission from the PLB Branch of the Motor Transport Workers General Union tabled at the meeting, the remuneration of PLB drivers on revenue sharing basis was the major cause of PLB accidents. In fact, the driver of the GMB involved in the fatal traffic accident in Yuen Long on 25 July 2009 was remunerated in this way. Pointing out that the drivers of the GMB route 44A involved in the accident did not have sufficient rest breaks, he further urged the Administration

to gear up monitoring efforts to ensure PLB drivers had sufficient rest. PTO/U agreed to consider his views and made the following points –

- (a) TD had been closely monitoring the safety performance of GMBs. At the request of the Administration, the operator of GMB route 44A had formed its own inspection team to monitor the route's performance. The Administration had also conducted more than 10 investigations on the route;
- (b) TD had met with and warned the operator of GMB route 44A, and would conduct an inquiry into the above accident, after which the Administration might take further actions if the route's service could not meet the required standard. The date of the inquiry would however be determined only after the necessary data were available;
- (c) Two driving safety talks had been arranged for drivers of GMB route 44A in August and October 2009 respectively to enhance their safety awareness and to explain to them the relevant transport legislation;
- (d) On a wider front, TD was closely co-operating with the Police on enforcement against speeding by PLBs, and had from time to time passed on relevant intelligence to the Police for action; and
- (e) TD would take the service performance of drivers and their employment conditions as appropriate into consideration when conducting mid-term review to determine whether to renew a GMB route's passenger service licence.

Drivers' driving attitude and health

18. Mr Jeffrey LAM opined that the safety of PLB operation hinged on PLB drivers' driving attitude, and urged the Administration to gear up relevant education and publicity efforts. Ms LI Fung-ying held the view that the problem of speeding by PLBs should be tackled from a wider front and that the Administration should adopt a multi-pronged approach in solving the problem. C for T explained that all measures proposed essentially aimed at ensuring that PLBs could operate at a safe speed. While the Administration was open to any proposal that could help improve the current situation, the present proposals on improving the driver's driving attitude were also very important to enhancing the safety of PLB operation.

19. Highlighting traffic accidents related to drivers' health, the Deputy Chairman stressed the need to require regular check-ups of professional drivers to ensure road safety. C for T responded that the Administration would brief

the Panel in December 2009 on the details of a campaign to be launched by the Administration in the first half of 2010 to ensure the safety and health awareness of professional drivers.

Triad infiltration in the operation of public light buses

20. Mr WONG Kwok-hing highlighted the triad infiltration in PLB operation, and how money from red minibus (RMB) drivers was extorted in the name of "terminal fees" or "operating fee". In his view, the increase in operating cost so arising would force RMB drivers to speed to run more trips. In response to him on enforcement actions against such triad activities, CSP(T) pointed out that when approached for the above fees, RMB drivers should report to the Police. If there was sufficient evidence, the Police would take prosecution actions. At Mr WONG's request, CSP(T) agreed to provide figures on such prosecution actions.

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21. Mr Albert CHAN pointed out that the above triad infiltration problem had long existed without being effectively tackled because there were difficulties in collecting evidence. In his view, loopholes in the regulation of RMBs, which had enabled triads to make profits from controlling the routes concerned through harassment and threats, were the root of the problem. Both regulatory and enforcement efforts should therefore be geared up to tackle the problem.

Other suggestions

22. Mr Albert CHAN suggested that the safety performance of PLBs could be more effectively enhanced if the Administration would consider revocation of the passenger service licence as a penalty against repeated speeding. The Administration noted his proposal for consideration.

23. Referring to the submission made by the Motor Transport Workers General Union, Mr IP Wai-ming called for a comprehensive review of the public transport policy to facilitate the healthy development of public transport services other than rail transport. C for T explained that it was the prevailing policy of positioning railways as the backbone of the public transport network. However, other public transport modes such as buses and PLBs would also continue to play an important role and the Administration would ensure that effective public transport network that suited the needs of users would be provided.

V Further discussion on changes made by MTR Corporation Limited to staff welfare

(LC Paper No. CB(1)430/09-10(04) — Summary of concerns about changes to pay and benefits

- of staff of MTR Corporation Limited (MTRCL) after the rail merger prepared by the Secretariat, and MTRCL's and the Administration's response thereto
- LC Paper No. CB(1)430/09-10(05) — Paper on MTR staff salary and benefits matters after the Merger from MTR Corporation Limited
- LC Paper No. CB(1)489/09-10(01) — Submission from Hong Kong Railway Workers General Union)

24. The Under Secretary for Transport and Housing (USTH) briefed members on the papers submitted for this agenda item.

Communication with staff

25. Mr Jeffrey LAM opined that while it was understandable that changes had to be introduced to align the two pre-merger railway corporations' employment terms after the merger to achieve consistency, it was important that, in so doing, the MTR Corporation Limited (MTRCL) would maintain adequate communication with staff. In reply to him on whether liaison with staff had been conducted on recent changes to their working conditions, the General Manager – Human Resources, MTRCL (GM-HR/MTRCL) emphasized that MTRCL attached great importance to communication with staff and close communication with them had been kept up whenever their benefits were reviewed. Moreover, staff's views would be fully taken into account in introducing any new adjustments as appropriate. In fact, 19 meetings with staff representatives and unions had been held on various topics since the Panel last discussed this agenda item at its meeting on 26 June 2009.

26. Ms LI Fung-ying emphasized that as the majority shareholder of MTRCL, the Government should ensure that MTRCL had really honoured its commitments under the rail merger (the merger commitments), in particular those related to staff. In this regard, she referred to MTRCL's recent decision to wind down its freight business, and considered it undesirable that the staff affected had been informed of the decision only hours before announcement to the public instead of being properly consulted. Under the circumstances, although the staff might not lose their jobs, their career path was affected and they were in fact left with no choice but to accept what MTRCL offered them, and to leave if they could not adapt to their redeployed posts.

27. USTH and the Chief of Operating, MTRCL (CO/MTRCL) responded that MTRCL's exit from freight business was a commercial decision necessitated by the sharp drop in the rail freight business, which presently accounted for only a small percentage of the total freight throughput between the Mainland and Hong Kong. Communication with staff in this regard had therefore focused on their future job arrangement instead of whether the decision should be made. Notwithstanding, MTRCL had assured staff that none of them would lose their jobs because of the decision, and that they would be transferred to other posts within MTRCL with most doing jobs of a similar nature. It was noted that the above had in general been achieved although some slight adjustments had been made in response to the affected staff's views, and that most of them accepted the relevant arrangements positively.

28. Ms Miriam LAU pointed out that the progress in redeploying staff affected by MTRCL's decision to wind down its freight business was unsatisfactory according to the Hong Kong Railway Workers General Union (the General Union)'s submission. In response to her call to guarantee proper redeployment of these staff, CO/MTRCL recapitulated his reply above, and emphasized that training would be provided to help these staff adapt to new postings. He further confirmed that the remuneration of the staff concerned would be no less than their pay before redeployment.

29. Mr WONG Sing-chi also highlighted the Government's role as MTRCL's majority shareholder, and urged the Government to ensure that MTRCL would properly communicate with its staff to address their concerns, so as to obviate escalation of the concerns to management problems. USTH shared his view on the need for proper communication between MTRCL and its staff. He said that the Administration had urged MTRCL to sort out with staff disagreements over work-related arrangements through effective communication, while at the same time making efforts to ensure that MTRCL had honoured the merger commitments and maintained overall rail safety and service reliability. The Administration was satisfied that the above had been done by MTRCL.

30. Mr WONG Kwok-hing and Mr IP Wai-ming pointed out that according to some staff unions of MTRCL, MTRCL had not met with them on any formal occasion since the Panel meeting in June 2009 despite repeated requests. GM-HR/MTRCL responded that there were four regular meetings with the Staff Consultative Council every year in addition to four regular meetings with each of the staff unions each year. MTRCL would continue to discuss staff welfare issues with these organizations through the above regular meetings.

Outsourcing

The General Union's concerns about outsourcing

31. Mr Jeffrey LAM referred to the General Union's submission stating its strong objection to outsourcing of MTRCL's services, and enquired about MTRCL's future plan in this regard, and whether it would undertake not to further outsource services in the following one to two years.

32. GM-HR/MTRCL responded that MTRCL had discussed with staff their concerns about outsourcing and briefed members on the discussion. CO/MTRCL supplemented that staff's major concerns in this regard were job security and service quality. Where job security was concerned, MTRCL had been able to uphold its commitment to staff that no existing staff would be made redundant as a result of the outsourcing of services. He said that outsourcing would not affect MTRCL's service to the public and rail safety because staff of MTRCL's contractors were subject to equally high performance requirements. A stringent monitoring system had been put in place to ensure that the performance of contractors could meet the requirements.

33. As to future outsourcing plans, CO/MTRCL said that after close liaison with staff, consensus had been achieved with staff representatives that they basically would not object to MTRCL's plan to contract out the customer service centres of the West Rail Line (WRL) and the maintenance of the automatic fare collection system of WRL and Light Rail. MTRCL had undertaken that, barring unforeseeable circumstances that rendered MTRCL's operation very difficult, it would not further contract out existing services before 2014. CO/MTRCL added that MTRCL was planning to recruit some 1 000 staff more to meet future development needs.

34. Also referring to the General Union's submission, Mr WONG Kwok-hing queried if the above consensus had really been achieved with staff unions, and whether MTRCL had been able to genuinely effect two-way communication with its staff. He expressed concern about the implications of outsourcing on service quality and rail safety. He said that the Administration should also address the uncontrolled salary increase of MTRCL's senior management while the Corporation was cutting operating cost by irresponsibly outsourcing front-line services.

35. Mr WONG Kwok-hing also expressed regrets that the Secretary for Transport and Housing and the Chief Executive Officer of MTRCL had not attended this meeting, despite the fact that the Panel had passed a motion in June 2009 demanding further discussion on this subject with the two.

36. In response, GM-HR/MTRCL reiterated MTRCL's commitment above, and confirmed that staff representatives had accepted in principle the above mentioned outsourcing plan. In response to members' queries, USTH emphasized that the Administration was satisfied that MTRCL had provided frontline staff with job protection and provided all staff with salary protection

in accordance with the merger commitments. As regards outsourcing, the Government's major concern was that MTRCL could ensure that it would not affect overall rail safety and service reliability. In this regard, the Government had not found any deterioration in service reliability. Moreover, the services outsourced mainly involved customer service centres as well as the automatic fare collection system and internal audit, which were not expected to impact on rail safety.

37. Highlighting the General Union's concern about the impact of outsourcing on job security, Ms Miriam LAU alerted MTRCL to the need to retain experienced staff so as not to waste training efforts. CO/MTRCL responded that MTRCL had all along treated its staff as its important assets. As such, services were outsourced on the condition that no existing staff would thus be made redundant.

Whether rail incidents were related to outsourcing

38. Referring to the rail incidents that recently occurred on Tseung Kwan O (TKO) Line, Mr IP Wai-ming said he noted that the maintenance works of TKO Line had been outsourced. He also expressed concern as to whether outsourcing affected MTRCL staff's job security, training and promotion prospects, which in the long run might lead to succession problem within MTRCL. USTH responded that details of the above rail incidents would be discussed at a meeting of the Subcommittee on Matters Relating to Railways (the Railways Subcommittee) later. CO/MTRCL added that MTRCL was concerned about every rail incident, and would follow up each of them to identify the causes and improvement measures. He reiterated that outsourcing was not a cause of the TKO Line incidents. Moreover, a stringent monitoring system had already been put in place to ensure that the performance of contractors could meet stringent requirements. As to outsourcing's impact on staff development, it should be noted that the services outsourced only made up a very small part of MTRCL's services.

39. The Deputy Chairman opined that unless the number of rail incidents was reduced, members were not convinced that outsourcing had not affected rail safety and reliability. He requested the Administration to ensure that MTRCL would provide a detailed paper on outsourcing, listing the services and job categories outsourced in the past, at present and in future; the staff cost of the management and of the frontline staff; and rail incidents in the past three years together with the job categories involved. While agreeing to provide the information, USTH said that details on the TKO incidents would be provided for the meeting of the Railways Subcommittee in due course. CO/MTRCL also agreed to liaise with the Government on provision of the requested details.

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40. Addressing Mr LEE Cheuk-yan's concern about the quality and training of the staff of MTRCL's contractors, CO/MTRCL explained that the

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qualifications and experience of contractors' staff were specified in the relevant outsourcing contracts. MTRCL also followed up on the training of contractors' staff through working meetings. In fact, while work-related skill and safety training were provided by the contractors themselves, MTRCL also helped brief contractors' staff on MTRCL's operation. Moreover, the most important thing was to ensure that contractors' performance was satisfactory. Mr LEE, however, pointed out that one of the incidents that occurred on the Kwun Tong Line had been caused by the mishandling of a gas cylinder by the staff of a contractor (the gas cylinder incident). The TKO Line Signaling Equipment Fault incident might also have been caused by outsourcing. He requested the Administration to provide in the above outsourcing paper a comparison of the staff turnover rate of MTRCL and those of its contractors. He considered that because of the staff retention problem of contractors, outsourcing was not conducive to experience building and service quality and rail safety would also be affected. As such, core businesses such as maintenance and station service should not be outsourced. If not, when there were accidents at railway stations, contractors' staff who were not as adequately trained or experienced as MTRCL's own staff would not be able to assist MTRCL staff to handle the incidents efficiently. Mr LEUNG Kwok-hung echoed Mr LEE's views.

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41. In response, CO/MTRCL reiterated that apart from ensuring proper training for contractors' staff, contractors were subject to high performance requirements and a stringent performance monitoring system. He further explained that contractors' staff at stations mainly handled customer services. While relevant training would be provided to them, it was MTRCL's station staff who were responsible for handling incidents. Moreover, MTRCL would only contract out the maintenance of systems such as the automatic fare collection system, and the contractors concerned were required to ensure 99% reliability rate, failing which they would be penalized by deducting the contract payment. As to the maintenance works of the TKO Line, they had in fact been outsourced since its opening in 2002 and, according to internal assessment the reliability of the trains maintained had been found to be among the best. He however agreed to provide the details requested by Mr LEE Cheuk-yan above as far as possible.

42. Mr LEE Cheuk-yan and Mr LEUNG Kwok-hung were unconvinced. Mr LEE pointed out that all station staff, including those at customer service centres, would need to respond quickly when there were accidents at railway stations. Mr LEUNG opined that even though contractors would be penalized for failing to attain the performance standard required, incidents such as the gas cylinder incident, which had cost the staff concerned his life could not be undone. Nor would contract payment deducted used to compensate affected passengers. CO/MTRCL responded that the contractor involved in the gas cylinder incident was responsible for maintaining fire equipment and not train

cars. Moreover, its safety performance used to be highly satisfactory and the cause of the incident was still under investigation.

43. Mr LEE Wing-tat enquired whether any independent organization had been engaged to ascertain that the various rail incidents had not been caused by outsourcing. USTH and the Assistant Commissioner for Transport/Bus & Railway responded that instead of relying on MTRCL's incident reports, the professional staff of TD and the Electrical and Mechanical Services Department would conduct investigations of their own, and would closely monitor MTRCL's overall performance. No incident investigations had indicated that outsourcing had been the cause of incidents or had led to deterioration of service quality. In response to Mr LEE's call to engage an independent international rail consultant to address public concern about the cause of rail incidents, USTH said that since no significant structural problem had been identified from the incidents, the Administration had no plan to do so. Moreover, an independent safety audit was already being conducted every three years.

44. Referring to the gas cylinder incident again, Mr LEE Cheuk-yan requested MTRCL to provide information on training of contractors' staff, and to prevent accidents by refraining from outsourcing, in particular outsourcing of train maintenance and station service which in his view were core businesses. USTH reiterated that the Government had required MTRCL to ensure that outsourcing of its services would not affect rail safety and service reliability. According to TD, no such adverse effects had been observed. Mr LEE was however unconvinced, and commented that the Government had defaulted its duty as MTRCL's majority shareholder.

The way forward

45. The Deputy Chairman opined that the Government had failed to effectively monitor MTRCL after the rail merger, and expressed regrets that the Administration's response to MTRCL staff's concerns in the relevant paper was brief. Mr WONG Kwok-hing proposed to revisit six months later this agenda item, in particular concerns about outsourcing which in his view would affect rail safety. The Chairman proposed and members agreed that this item would be revisited before the end of the current legislative session

Clerk

VI Recent bus accident in Tseung Kwan O and safety of franchised bus operation

(LC Paper No. CB(1)430/09-10(06) — Administration's paper on recent bus accident in Tseung Kwan O and safety of franchised bus operation

LC Paper No. CB(1)489/09-10(02)	— Submission from New World First Bus Company Staff Union
LC Paper No. CB(1)509/09-10(02)	— Submission from The KMB Staff Union
LC Paper No. CB(1)509/09-10(03)	— Submission from Citybus Limited Employees Union
LC Paper No. CB(1)430/09-10(07)	— Relevant press cuttings)

46. C for T briefed members on –

- (a) the franchised bus companies' existing training and monitoring mechanism regarding their bus captains' driving skills and behaviour;
- (b) the measures taken by the franchised bus companies to enhance safety of operation; and
- (c) how the Administration regulated franchised bus companies in the relevant aspects.

Bus drivers' working schedules

47. Mr WONG Kwok-hing considered it unfair that whenever bus accidents occurred, bus drivers would be blamed. However, the Administration had failed to satisfactorily perform its monitoring role to ensure that the working schedules of bus drivers were reasonable and, as a result, bus drivers were always working under pressure. In particular, they were sometimes required to serve unfamiliar routes or to drive the first trip of a day service of one route after having served the night service of another route (the route switch arrangement). The Kowloon Motor Bus Company (1933) Limited (KMB) even merged the meal break and rest break of its drivers (the merged break arrangement), so that they could not have a break of at least 30 minutes after six hours of duty. There were also not sufficient facilities at bus termini for drivers to take a rest.

48. In response, C for T made the following points –

- (a) Since issuance of the Guidelines on Working Schedule for Franchised Bus Drivers (the Bus Guidelines), bus companies had to regularly make reports to the Administration in this regard. Although the bus companies could in general comply with the Bus Guidelines, to address recent concerns about non-compliance the Administration had already asked the companies to provide further details on the actual situation. TD

also conducted whole-shift random on-board surveys on the working hour arrangements of bus drivers from time to time; and

- (b) All bus companies had the responsibility to ensure their bus drivers had sufficient rest and meal time. The Administration had already requested the bus company/companies concerned to propose improvements in response to relevant complaints.

Admin

49. Noting the above response, Mr LEUNG Kwok-hung requested the Administration to provide reports of the above random surveys and details on how the surveys were conducted. He also expressed regrets that no improvement had been made in ensuring bus drivers would have sufficient rest although relevant problems had been raised a long time before. In particular, the route switch arrangement, and the merged break arrangement were unacceptable but no penalties were available to prevent such malpractices. In his view, unless collective bargaining was allowed, bus drivers could only seek the Legislative Council's help to resist exploitation, or resort to industrial actions. In reply to him on efforts to deter the above malpractices, C for T pointed out that the most important thing was to ensure that the bus driver was familiar with the routes he served under the route switch arrangement, and that the working hours would not exceed those specified in the Bus Guidelines.

Admin

50. Mr LEE Cheuk-yan urged the Administration to respond in writing to the three submissions respectively from the KMB Staff Union, the Citybus Limited Employees Union and the New World First Bus Company Staff Union, which were all member associations of the Hong Kong Confederation of Trade Unions (HKCTU). Regarding meal break arrangement for bus drivers, the Managing Director of KMB (MD/KMB) explained that the scheduled meal breaks for KMB drivers would not be less than 30 minutes and the overall average time was presently 43 minutes. Moreover, although all KMB schedules fully complied with the Bus Guidelines, KMB had kept the present arrangements under review and would introduce improvements as necessary.

51. Mr WONG Sing-chi opined that to prevent malpractices, the bus company should be held responsible whenever a bus accident was caused by insufficient rest of the bus driver. C for T responded that the bus companies had measures to enable bus drivers to be given rest time if any scheduled rest time had been lost because of traffic congestion or other reasons. Moreover, if the actual journey time of the routes frequently exceeded the scheduled journey time due to genuine operational circumstances, the bus companies could apply to TD for adjusting the scheduled journey time. In the three years from 2006 to 2008, major bus companies had extended the journey time of a total of 71 bus routes.

The need to revise the Bus Guidelines and monitor compliance

52. Mr LEE Cheuk-yan urged that instead of blaming bus drivers, the Administration should plug loopholes in the Bus Guidelines to prevent malpractices. The Deputy Chairman shared his views, and proposed to reduce the maximum working and driving hours specified under the Bus Guidelines from 14 to 10, and 11 to 8 respectively. The break between successive working days of not less than 9.5 hours should also be extended to 12 hours, with one-hour meal break clearly provided under the Bus Guidelines. He further opined that TD should conduct under-cover operations of its own to ensure compliance with the Bus Guidelines. C for T responded that the actual average working and driving hours of bus drivers were in fact only ten hours and seven to eight hours respectively. Moreover, to address concerns about non-compliance, the number of random on-board surveys by TD had already been increased.

53. Mr IP Wai-ming opined that similar to PLB operation, the crux of the safety problem of bus operation was insufficient monitoring by the Administration. In his view, in working out the Bus Guidelines the Administration had placed too much emphasis on the cost considerations and interests of the bus companies. The Bus Guidelines should be reviewed and revised through liaison with bus driver trade unions or interviews of bus drivers. Mr IP further proposed that penalties for non-compliance with the Bus Guidelines, such as fines and suspension of certain services, should be made available. C for T reported that TD had met with bus driver unions from time to time, and that there had been four such meetings in 2008 and five in 2009. At Mr IP's request, C for T agreed to report back on progress of the review on the Bus Guidelines six months later.

Admin

Seat belts

54. Pointing out that most fatal bus accidents involved passengers being thrown out from the upper saloon of the bus after collision with another vehicle, Mr LEE Wing-tat enquired whether there were plans to provide seat belts on seats other than exposed seats of buses and if so, the timetable. C for T responded that the existing requirement in this regard was that all buses purchased after 2003 already had seat belts provided at the exposed seats. Seat belts would also be retrofitted at the front row on the upper deck of post-1997 design buses. As to pre-1997 design buses, because of bus design limitations, retrofitting of seat belts was not feasible. Instead, an additional horizontal guard rail had been installed across the upper deck windscreen to provide added protection to passengers. All the above retrofitting works had already completed.

55. Mr LEE Wing-tat proposed that to enhance safety, new buses should be required to provide seat belts on all seats instead of only the exposed seats. C for T responded that Mr LEE's proposal would need to be examined in the light of actual need and practicability, in particular whether bus suppliers could

provide new buses so equipped because, as understood no cities required buses plying urban areas to install seat belts on all seats. Mr LEE said that the requirement could be imposed on buses plying highways first. In response, C for T pointed out that there was already a maximum speed limit of 70 kilometres per hour for all buses even though they might be operating on expressways with higher speed limits.

Other views and concerns

Admin

56. Mr WONG Kwok-hing opined that the employment by KMB of drivers on contract terms and the work stress so arising would affect their performance. Mr LEE Cheuk-yan shared his view, and added that the practice would also lead to brain drain not conducive to the retention of on-the-road practical experience. C for T responded that according to the bus company, the wastage rate of bus drivers employed on contract terms was low. Moreover, newly recruited bus drivers would be given proper training. Mr LEE requested the Administration to provide figures in this regard because, according to HKCTU's statistics, three of every four bus drivers employed on contract terms had left.

57. Mr WONG Sing-chi highlighted complaints from the family members of those injured in the recent bus accident in TKO that after release from the intensive care unit, the injured were placed in public wards without any protection from outside interruptions. In response to his call for KMB to provide assistance to these patients, MD/KMB reported that KMB's representatives had been visiting the injured from time to time to provide assistance in response to their needs. KMB would continue the above efforts.

58. Mr Albert CHAN urged the Administration to review whether standing passengers should be allowed on double-deck buses operating on expressways. C for T responded that the standing capacity of a bus accounted for some 30% of its carrying capacity. Mr CHAN's proposal would need to be considered against practicability as it would have implications on the number of buses required and the fares, and whether there was sufficient justification for the restriction.

VII Any other business

59. There being no other business, the meeting ended at 11:20 am.