

立法會
Legislative Council

LC Paper No. CB(1) 1507/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/SS/8/11/1

**Subcommittee on the Six Orders Made under Section 5(1) of the
Public Bus Services Ordinance and Gazetted on 20 January 2012**

**Minutes of the third meeting
held on Thursday, 8 March 2012, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Dr Hon Philip WONG Yu-hong, GBS (Chairman)
Hon WONG Yung-kan, SBS, JP
Hon LEE Wing-tat
Hon KAM Nai-wai, MH
Hon CHAN Hak-kan
Hon WONG Sing-chi
Hon Tanya CHAN

Members absent : Hon CHEUNG Hok-ming, GBS, JP
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP

**Public officers
attending** : **For item II**

Transport Department

Mr Don HO
Assistant Commissioner/New Territories

Ms Irene HO
Principal Transport Officer/New Territories

Mr Tommy NG
Chief Transport Officer/Bus & Railway 1

Transport and Housing Bureau

Miss Carrie CHANG
Principal Assistant Secretary for Transport and Housing
(Transport) 1

Miss Constance CHOY
Assistant Secretary for Transport and Housing
(Transport) 1A

Department of Justice

Ms Adeline WAN
Senior Assistant Solicitor General

Ms Cindy YAU
Senior Assistant Law Officer

Mr Manuel NG
Government Counsel

Clerk in attendance: Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Miss Carrie WONG
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Council Secretary (1)1

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- I. Confirmation of minutes**
(LC Paper No. CB(1) 1241/11-12 — Minutes of the meeting held
on 14 February 2012)

The minutes of the meeting held on 14 February 2012 were confirmed.

II. Meeting with the Administration

- (LC Paper No. CB(1) 1249/11-12(01) — List of follow-up actions arising from the discussion at the meeting on 23 February 2012
- LC Paper No. CB(1) 1249/11-12(02) — Administration's response to CB(1) 1249/11-12(01)
- LC Paper No. CB(1) 1249/11-12(03) — Assistant Legal Adviser's letter dated 29 February 2012 to the Administration
- LC Paper No. CB(1) 1257/11-12(01) — Administration's response to CB(1) 1249/11-12(03)
- LC Paper No. LS43/11-12 — Paper on Amendments to the Schedule of Routes Orders 2012 (L.N. 4 to 9 of 2012) prepared by the Legal Service Division)

2. The Subcommittee deliberated (Index of proceedings attached in **Annex**).
3. The Administration was requested to provide a paper setting out its views on the legality of including a benchmark for deviation from the Schedule of Service in the six Orders.

(Post-meeting note: The paper was circulated to members on 14 March 2012.)

4. The Chairman concluded that the Subcommittee had no objection to the six Orders to formalize the changes introduced to the bus routes of the five franchised bus companies during the period between 1 October 2010 and 30 September 2011. As regards members' suggestions on the provision of an electronic system to gather real-time information on bus arrival and departure at bus stops, and other measures to improve bus services, the Chairman said that these would be referred to the Panel on Transport for follow up. Meanwhile, the question of whether the schedule of routes orders were subsidiary legislation would be referred to the Panel on Administration of Justice and Legal Services for follow-up.
5. Mr LEE Wing-tat indicated his intention to move an amendment to include a benchmark of 3% for deviation from the Schedule of Service in the six Orders.

III. Any other business

6. There being no other business, the meeting ended at 11:50 am.

Council Business Division 1
Legislative Council Secretariat
3 April 2012

**Subcommittee on the Six Orders Made under Section 5(1) of the
Public Bus Services Ordinance and Gazetted on 20 January 2012**

**Minutes of the third meeting
on Thursday, 8 March 2012, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000404 - 000421	Chairman	The minutes of the meeting held on 14 February 2012 (LC Paper No. CB(1) 1241/11-12) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000422 - 000733	Chairman Administration	Administration's explanation on its response to the list of follow-up actions arising from the discussion at the meeting on 23 February 2012 (LC Paper No. CB(1) 1249/11-12(02)).	
000734 - 000950	Mr LEE Wing-tat	Mr LEE Wing-tat's observation that the Kowloon Motor Bus Company (1933) Limited (KMB) had the lowest ratio between bus drivers and buses, and that the tight manpower resources might result in a higher possibility of lost trips.	
000951- 001644	Chairman Administration	<p>Chairman's enquiries -</p> <p>(a) the measures taken by the Administration to ensure that bus trips were on schedule; and</p> <p>(b) the lead time taken for improvements to be made.</p> <p>Administration's explanation -</p> <p>(a) the Transport Department (TD) had been monitoring the performance of KMB which was requested to provide regular returns on its manpower situation;</p> <p>(b) KMB had been reviewing the remuneration package of bus drivers with a view to retaining existing bus drivers and recruiting new ones amidst a tight labour market; and</p>	

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		(c) the Administration expected that the manpower situation of KMB would improve, and that the rate of loss trip could be returned to a normal level within the year.	
001645 - 002202	Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat's views/enquiries -</p> <p>(a) no noticeable improvements had been made by KMB over the past year,</p> <p>(b) TD had been derelict in discharging its role if this was due to insufficient supply of manpower; and</p> <p>(c) the setting up of an electronic system to gather real-time information on bus arrival and departure at bus stops would help reduce the cost of monitoring by manual means.</p> <p>Administration's reply on existing staff responsible for monitoring of bus service -</p> <p>(a) TD had a team of officers responsible for planning and development of bus services; and</p> <p>(b) officers in the regional offices were responsible for the day-to-day monitoring of bus services while on-site surveys to monitor performance of bus service were outsourced to consultants.</p>	
002203 - 002718	Mr WONG Sing-chi Administration	<p>Mr WONG Sing-chi's views/enquiries -</p> <p>(a) there might be a need to set a minimum ratio between bus drivers and buses;</p> <p>(b) whether the Administration had the right to demand KMB to provide an adequate number of bus drivers under the terms of the franchise; and</p> <p>(c) whether the Administration could terminate and transfer KMB's franchise to other bus companies if KMB failed to improve its services within a specified period; and</p>	

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		<p>(d) previous incidents where financial penalties had been imposed on franchised bus companies which failed to deliver proper bus services.</p> <p>Administration's explanation -</p> <p>(a) franchised bus companies were required to maintain proper and efficient public bus services to the satisfaction of the Commissioner for Transport.</p> <p>(b) franchised bus companies were obliged to plan for their own manpower resources for the delivery of the required service level. There was no specific requirement on the number of bus drivers to be employed by franchised bus companies;</p> <p>(c) all franchised bus companies were required to provide proper and efficient bus services; failing which, the bus companies would, without a good cause would be subject to penalties under the Public Bus Services Ordinance (Cap.230), including revocation of franchise; and</p> <p>(d) financial penalties had been imposed on a franchised bus company years ago.</p>	
002719 - 002857	Chairman Administration	<p>Chairman's enquiry on the high lost trip rates of franchised bus companies.</p> <p>Administration's explanation that the higher average lost trip rate observed in early 2011 was mainly attributable to the shortage of bus drivers of a franchised bus company.</p>	
002858 - 003536	Miss Tanya CHAN Administration	<p>Miss Tanya CHAN's views/enquiries -</p> <p>(a) need to formulate a service standard for franchised bus companies;</p> <p>(b) the measures taken/to be taken to ensure that bus services could be improved within a year; and</p> <p>(c) whether the vehicle black box installed in buses could be upgraded to collect</p>	

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		<p>operational data to facilitate the monitoring of bus services, similar to that in public light buses.</p> <p>Administration's explanation -</p> <p>(a) KMB had taken actions, including review of remuneration package, in an attempt to retain and recruit bus drivers. As a result, the latest lost trip rate of KMB in February 2012 had been reduced;</p> <p>(b) TD would continue to monitor bus services;</p> <p>(c) the vehicle black box provided operation data of an individual bus to facilitate investigation on causes of accidents. It might not help on-line monitoring of bus services; and</p> <p>(d) would look into the feasibility of the proposed electronic system to gather real-time information on bus arrival and departure at bus stops.</p>	
003537 - 003609	Chairman	Chairman's view that the need for the proposed electronic system and other measures to improve bus services should be referred to the Panel on Transport for follow up.	
003610 - 003938	Mr WONG Yung-kan Chairman	<p>Mr WONG Yung-kan's views -</p> <p>(a) the Administration should address the problem of deviation from the Schedule of Service by franchised bus companies; and</p> <p>(b) KMB should review the remuneration package of bus drivers. If KMB was unable to properly manage all its bus routes, consideration should be given to allowing other bus companies to operate some of its routes.</p>	
003939 - 005216	Chairman Administration (Senior Assistant Law Officer)	Discussion on the feasibility of including a benchmark for deviation from the Schedule of Service in the six Orders.	The Administration to provide a paper setting out its views on the legality of

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	Mr LEE Wing-tat Assistant Legal Adviser 4 (ALA4)	<p>ALA4's explanation on the legal advice as set out under LC Paper No. LS43/11-12.</p> <p>Administration's response that the proposed inclusion of a benchmark in the six Orders did not appear to be consistent with the power of the Chief Executive in Council under section 5(1) of the Public Bus Services Ordinance (Cap. 230) to make an order to specify routes, and might not be made by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1).</p> <p>Chairman's request for the Administration to provide a paper setting out its views on the legality of including a benchmark for deviation from the Schedule of Service in the Six Orders.</p>	including a benchmark for deviation from the Schedule of Service in the six Orders.
005217 - 005307	Chairman	<p>Chairman's conclusion -</p> <p>(a) the Subcommittee had no objection to the six Orders; and</p> <p>(b) the question of whether the schedule of bus routes orders were subsidiary legislation would be referred to the Panel on Administration of Justice and Legal Services for follow up.</p>	
005308 - 005957	Miss Tanya CHAN ALA4 Chairman Mr LEE Wing-tat Administration (Senior Assistant Law Officer)	<p>Discussion on ALA's paper on whether the schedule of bus routes orders were subsidiary legislation.</p> <p>Administration's response that it Administration was proceeding on the basis that the six Orders, like others previously, were to be treated as subsidiary legislation but was willing to engage in discussion with the Legislative Council as to whether the Orders were subsidiary legislation if the Legislative Council considered that this issue should be referred to a panel for further consideration.</p>	
010030 - 010117	Mr WONG Yung-kan	<p>Mr WONG Yung-kan's views -</p> <p>(a) supported the six Orders to formalize the service changes introduced by franchised bus companies; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(b) close monitoring on the operation of franchised bus companies was necessary to ensure compliance with the Schedule of Service.	
010118 - 010156	Mr LEE Wing-tat	Mr LEE Wing-tat's remark that he would move an amendment to set a benchmark of 3% for deviation from the Schedule of Service in the six Orders.	
010157 - 010205	Chairman	Chairman's remark that the deadline for giving notice of motion to amend the six Orders was 14 March 2012.	

Council Business Division 1
Legislative Council Secretariat
3 April 2012