

立法會
Legislative Council

LC Paper No. CB(1)1663/99-00
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Legislative Council
Panel on Transport

Minutes of Meeting held on
Friday, 28 April 2000, at 10:30 am
in the Chamber of the Legislative Council Building

Members present : Hon Mrs Miriam LAU Kin-ye, JP (Chairman)
Hon LAU Kong-wah (Deputy Chairman)
Hon Edward HO Sing-tin, SBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon LEE Kai-ming, SBS, JP
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP

Non-Panel members : Hon Ronald ARCULLI, JP
attending Hon LEUNG Yiu-chung

Members absent : Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Chin-shek, JP
Hon FUNG Chi-kin
Dr Hon TANG Siu-tong, JP

**Public officers
attending**

: Item III

Transport Bureau

Mr Kevin HO
Deputy Secretary for Transport

Mr Davey CHUNG
Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN
Commissioner for Transport

Highways Department

Mr L T MA
Government Engineer/Railway Development

Item IV

Transport Bureau

Miss Margaret FONG
Deputy Secretary for Transport

Mr Brian LO
Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN
Commissioner for Transport

Mrs Mary MA
Assistant Commissioner for Transport/
Management and Licensing

Hong Kong Police Force

Mr William TANG
Chief Superintendent, Traffic

Item V

Transport Bureau

Mr Nicholas NG Wing-fui
Secretary for Transport

Miss Margaret FONG
Deputy Secretary for Transport

Ms Doris CHEUNG
Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN
Commissioner for Transport

Mrs Mary MA
Assistant Commissioner for Transport/
Management and Licensing

Item VI

Transport Bureau

Mr Nicholas NG Wing-fui
Secretary for Transport

Miss Margaret FONG
Deputy Secretary for Transport

Mr Brian LO
Principal Assistant Secretary for Transport

Transport Department

Mr Robert FOOTMAN
Commissioner for Transport

Dr Ernest LEE
Assistant Commissioner for Transport/New Territories

Hong Kong Police Force

Mr William TANG
Chief Superintendent, Traffic

**Attendance by
invitation** : **Item III**

Kowloon-Canton Railway Corporation

Mr James BLAKE
Senior Director, Capital Projects

Mr Y T LI
Deputy Director, East Rail

Mr Hugh WU
General Manager, Construction (ERE)

Ms Lisa SETO
General Manager, Finance and Support

Mrs Irene YAU
General Manager, Corporate Affairs

Mr Vic McNally
Environmental Manager

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

Staff in attendance : Ms Alice AU
Senior Assistant Secretary (1)5

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I Information papers issued since last meeting

- (LC Paper No. CB(1)1429/99-00 - Report into the Collision of the Triple-deck Ferry "Man Kwok" at the Sea Wall at Central Pier No. 6; and
LC Paper No. CB(1)1462/99-00 - Proposed Creation of a Supernumerary Post for Taxi and Ferry Issues)

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

II Items for discussion at the next meeting scheduled for 26 May 2000

- (LC Paper No. CB(1)1435/99-00(01) - List of outstanding items; and
LC Paper No. CB(1)1435/99-00(02) - List of follow-up actions)

2. Members agreed that as the investigation report on the ferry accident and the Marine Department's action on the recommendations of the report (LC Paper No. CB(1)1429/99-00) had been made available to the Panel, the item on "Ferry accident on 6 January 2000" would be deleted from the list of outstanding items for discussion.

3. Mr CHAN Kam-lam relayed the complaints he received recently from taxis drivers about the inadequate provision of liquefied petroleum gas (LPG) filling stations which had seriously hampered the implementation of LPG taxi scheme. In response, the Chairman advised that this matter would be one of the issues to be discussed at the joint meeting of the Panel on Transport and the Panel on Environmental Affairs scheduled for 12 May 2000.

4. In response to a request made by the Sai Kung District Council at its meeting with Members of the Legislative Council (LegCo) on 16 March 2000, members agreed that the issue on the high fare of Tseung Kwan O bus routes would be followed up by the Panel in the context of the outstanding item on "Bus fare determination mechanism".

5. On members' suggestions and at the Administration's request, members agreed that the following items would be discussed at the next meeting scheduled on 26 May 2000:

- (a) Lantau North-South Link Road between Tai Ho Wan and Mui Wo;
- (b) Measures to enhance the efficiency of bus service, including the implementation of the inter-district bus-only lane scheme and the proposed bus-to-bus interchange scheme;
- (c) Amendments to KCRC (Permitted Activities) (Consolidation) Order 2000; and
- (d) Passenger Opinion Survey on Outlying Islands Ferry Services.

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6. Members agreed that for item (a), members of the Panel on Environmental Affairs would be invited to receive the Administration's briefing on the latest progress of the project, including the major environmental concerns expressed thereon and the measures taken to address these concerns.

III Confirmation of minutes and matters arising

(LC Paper No. CB(1)1436/99-00 - Minutes of meeting held on 29 March 2000)

7. The minutes of meeting held on 29 March 2000 were confirmed.

Ma On Shan to Tai Wai Rail Link (MOS Rail) and KCR Extension to Tsim Sha Tsui (TST Extension)

(LC Paper No. CB(1)1435/99-00(03) - Information paper provided by the Administration)

8. The Chairman invited members to note that in response to the Panel's request made at the meeting on 29 March 2000 when the subject matter was previously discussed, the Administration had provided an information paper (LC Paper No. CB(1)1435/99-00(03)) giving supplementary information on the following:

- (a) design drawings on the proposals to install travellers in the pedestrian subways around the new East Tsim Sha Tsui (TST) station;
- (b) details of the objections lodged against the railway schemes for MOS Rail and TST Extension and the process of handling such objections; and
- (c) the additional passenger loading on the East Rail generated from the three East Rail Extensions.

Use of travellers

9. After examining the design drawings on the subway system, members were generally in support of the provision of travellers in the subways around the new East TST station which would facilitate the transit of passengers between the TST station of the Mass Transit Railway (MTR) and the East TST station. In order to increase its attraction to pedestrians, Mr Edward HO suggested that the idea of having underground shops in the subways might be considered.

10. In response to Mr CHAN Kam-lam's suggestion of installing two-directional travellers in the subway system for the convenience of the pedestrians, Mr James BLAKE, the Senior Director, Capital Projects of the Kowloon-Canton Railway Corporation (SD/CP of KCRC) advised that because of the limitation of space in the

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subways, the travellers would be uni-directional. As regards the direction of the travellers in the morning and evening peak periods, close discussions were being held with the Police, the Fire Services and other relevant departments taking into account important safety considerations involved.

11. Mr CHAN Kam-lam was not entirely convinced by KCRC's reply. He opined that the installation of two narrower travellers side by side in the subway might not take up too much additional space and less space would have to be reserved for pedestrians to walk along. SD/CP of KCRC explained that the traveller was provided with 1.4 m clear width to enable people to either stand or walk on it. It was a choice people preferred because by walking, they would be doubling their effective speed. Given the whole purpose of the system was to provide the shortest possible transit between the two stations, it would be a better option.

12. As a related issue, Mr CHAN asked whether other alternative locations had been considered by KCRC in its relocation of the new station. In his opinion, the extensive subway network and underground facilities were required primarily because the proposed new location of the East TST station was too far away from MTR's TST station. SD/CP of KCRC clarified that there had been no effective movement in the actual location of the station. When earlier Government studies were conducted, other locations for the East TST station had already been considered. After the location was chosen, the station was only slightly re-oriented to keep clear of Signal Hill. While acknowledging that it was quite a long transit between the two stations, SD/CP of KCRC said that KCRC had been working on ways to shorten that in terms of journey time to the maximum extent possible. With the travellers, it would take no more than five minutes for passengers to travel from platform to platform, whereas the journey would take eight to ten minutes without the travellers. However, Mr CHAN still maintained the view that many problems were created by the location of the East TST station.

13. Sharing Mr CHAN's concern about the long distance between the two stations, Mr Edward HO suggested that a new subway section might be constructed along Nathan Road connecting the existing MTR TST station with the Middle Road subway which would then lead to the East TST station. His view was shared by the Chairman who opined that pedestrians would not have to take the longer route along Mody Road. SD/CP of KCRC advised that such extension of the subway system was in fact very likely and initial discussions were being held with MTRC and the Government. In that case, Mr HO requested KCRC to consider putting a northbound traveller in that subway section.

14. Responding to the request, SD/CP of KCRC said that at the moment, no traveller was planned for the Middle Road subway because that section was relatively short and additional entrances might be provided in the future. Moreover, MTRC's requirement for certain areas adjacent to its station to be specially protected against flooding would also have to be taken into account. As the proposal would come under

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the next stage of development, all relevant factors would be considered in more detail so as to determine whether the installation of a traveller was justified for that section.

15. As regards possible linkage between the subway network and major developments in the neighbourhood, SD/CP of KCRC said that the entrances shown on the plan were still subject to final review and KCRC would explore every opportunity to provide direct access for underground shopping malls.

16. Taking the Mody Road subway section as an illustration, SD/CP of KCRC further advised that the 140 m westbound traveller was deliberately put along one side of the subway to provide maximum room on the side adjacent to the Three Streets Scheme of the Land Development Corporation (LDC) along Mody Road. Subject to LDC, a completely integrated subway access into the Scheme's underground shopping mall could be provided. He assured members that when suitable opportunities were identified, every effort would be made to implement them so as to maximize the use of the subway network. To this end, negotiations were being held with all interested parties including LDC, hotel operators and developers.

17. Mr Edward HO, however, opined that the provision of traveller on one side of the subway would prevent access from the developments on the other side. SD/CP of KCRC replied that as previously explained, the amount of available space in the subway was constrained by the narrow width of the streets. In order to maximize the opportunity to link up with adjacent developments and ensure the best use of space, the traveller would have to be put on one side of the subway. If the traveller was moved to the centre, there would be insufficient space on either side.

18. Mr LEE Wing-tat remarked that his greatest concern was on safety given the extensive coverage of the subway network and enquired about the assessments made by KCRC in respect of fire risks and crowd management, as well as the measures to be taken to ensure public safety. In reply, SD/CP of KCRC said that the member's concern was shared by KCRC and the subway system would come under the control of the Station Transport Integration Committee and Safety and Security Co-ordinating Committee which comprised representatives from the Police, the Railway Inspectorate, the Fire Services and other relevant bodies responsible for safety and security. The possibility of sudden crowd surges, such as during heavy rainstorms and after major events in TST, had been factored into the design process. The Police had also been consulted about the design risks, as well as the subsequent management of the system. He assured members that the construction of the subway system would only commence subject to the approval of all the statutory bodies. With the risks identified and provision made to contain those risks within the final design, the construction would proceed accordingly. Security systems, video cameras, normal fire-fighting systems, smoke extraction, dynamic signage and audio announcement systems would all be in place within the design of the subway.

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19. Mr Y T LI, the Deputy Director, East Rail of KCRC (DD/ER of KCRC) also advised that existing arrangements for conducting emergency exercises in railway stations would be carried forward. Procedures on rescue operations, crowd control and management measures for the new East TST station as well as the subway system would be worked out with the uniform services. Safety drills would then be conducted on the basis of the agreed procedures which were subject to regular review.

20. As far as access facilities for disabled persons to the subways were concerned, Mr Hugh WU, the General Manager, Construction (ERE) of KCRC (GM/C of KCRC) said that the design of the subway network had already taken into account the facilities to be provided for the disabled and that would be taken forward in the detailed design stage. The exact locations for such access would be finalized through discussion in the Station Transport Integration Committee. Initially, lifts for the disabled had been planned for the entrances near the Kowloon Hotel in Middle Road, the MTR TST station exit in Mody Road and in Blenheim Avenue.

21. As regards the estimated construction costs of the subway system, the Government Engineer/Railway Development of the Highways Department advised that the cost of the Mody Road subway network was about \$1.13 billion including the installation of travellers, while the Middle Road subway section would cost about \$300 million.

22. Mr CHAN Kam-lam questioned whether the proposal was worth pursuing taking into account the high construction costs and subsequent maintenance costs to be borne by the Government. The subway system might also incur other costs on the operators of adjacent shopping malls and hotels. Mr CHAN remarked that it was not desirable to use public funds to construct the subway system solely for KCRC. Moreover, as the entrances were few and far between, it would not be convenient for other pedestrians who were not taking KCRC.

23. SD/CP of KCRC, however, pointed out that apart from providing 24-hour access throughout the whole of TST area, the subway system would bring about a major improvement in terms of separating ground level pedestrians and traffic in a very busy district. With air-conditioning and air-filtering throughout the subway, a more comfortable walking environment would also be provided. Addressing members' concerns on the project costs, SD/CP of KCRC suggested that the finalized estimate would be provided to the Panel for information when available.

KCRC

24. In reply to Mr CHAN Kam-lam's questions about the objections raised against the subway network project and the payment of compensation to affected local shop operators and residents, the Principal Assistant Secretary for Transport (PAS for T) said that out of the 24 objections lodged against the TST Extension railway scheme, about half of them came from local hotel operators and individual developers, and not many objections were made by local shop operators. The subway system was gazetted as part of the railway scheme and compensation claims from affected parties or individuals

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could be raised in accordance with relevant provisions under the Railways Ordinance (Cap. 519).

MOS Rail

25. Members reiterated their concern about the late completion of the Second Railway Development Study (RDS-2) study, the findings of which would have a deciding effect on whether the funding proposal for MOS Rail and TST Extension would be supported by Members of the Legislative Council. The Deputy Secretary for Transport (DS for T) replied that as indicated by the Secretary for Transport recently, the RDS-2 study would be completed by the second quarter of 2000. The Administration had already taken note of members' views expressed at the last meeting that they would only consider supporting the funding request for MOS Rail and TST Extension if there was clear indication in the RDS-2 report as regards the second rail link from Tai Wai to Kowloon.

26. Responding to Mr LAU Kong-wah's query on the additional passenger loading on the East Rail, DD/ER of KCRC explained that the estimated figure of 12 000 passengers was the maximum increase in the morning peak period from 7:45 am to 8:45 am in 2004 after the commissioning of the East Rail Extensions and the Lok Ma Chau Spur Line. Account had also been taken for population growth and future development in the next few years. At Mr LAU's request, DD/ER of KCRC agreed to provide a breakdown of the figure illustrating the share of additional passengers generated from the East Rail Extensions.

KCRC

27. Following up on Mr LAU's question, Mr CHENG Kar-foo pointed out that as compared with the 1999 figure of 40 000 passengers on the Tai Wai to Kowloon Tong section, the projection of 12 000 additional passengers in 2004 represented a significant increase of more than 25%. He remained unconvinced that with the proposed upgrading and expansion measures taken, the East Rail would be able to cope with the passenger demand up to 2011 and Tai Wai station would not be overloaded to an unacceptable extent.

28. SD/CP of KCRC said that so far as capacity was concerned, the actual demand might turn out to be higher or lower than the projections made. If the demand went above the estimated figure, it would be good for the railway. He drew members' attention to the fact that at present, 24 trains were being run through the critical section of Tai Wai to Kowloon Tong per hour. With the confirmed improvements to the signalling system, three more trains could be run per hour. Hence, there would be corresponding increase in the capacity of that section. SD/CP of KCRC emphasized that a proactive approach would be taken by KCRC in monitoring the situation and there were plans in hand to make further improvements. He was confident that even if the demand did go above the predicted level, the East Rail would be able to cope.

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29. On the handling of objections, Mr CHENG Kar-foo restated the objection relating to the viaduct design in the Ma On Shan segment of the railway as raised by residents of the Ma On Shan Centre. He considered that in view of the noise impact created by the operation of the railway, the residents' request for that section of the railway to run underground was justified and it should not be dismissed simply out of cost consideration. As the funding proposal had yet to be submitted to the Finance Committee (FC) for approval and the RDS-2 study had yet to be completed, the Administration should consider whether any alterations could be made and what were the additional costs so incurred. Mr CHENG opined that the arrangements outlined in the Administration's paper for handling the objections were in fact superfluous as the residents' concerns were not properly addressed at all. He was dissatisfied that the project would proceed as planned, regardless of the strong and repeated objections raised by the residents.

30. In reply, SD/CP of KCRC assured members that all the objections raised against the MOS Rail project had been dealt with in accordance with statutory procedures as part of the Environmental Impact Assessment (EIA) process. He emphasized that under the difficult physical constraints, other alternatives had been considered and the viaduct design was adopted because on balance, it was the best option taking all factors and all interests into account. Recalling that the issue of noise was one of the primary reason the funding application was last withdrawn at FC's meeting, SD/CP of KCRC advised that with the completion of the EIA study, the MOS Rail project had been granted its environmental permit and as such, the objection process would continue to its natural conclusion with that balance in view. As demonstrated by the issue of the environmental permit, the mitigation measures built into the railway would adequately deal with all noise impacts and none of the existing residents along side the railway would be subject to any noise from MOS Rail which exceeded the statutory noise limits.

31. The Chairman, however, held a different view and she pointed out that although the level of train noise could be controlled within the established standards, such noise could still be a nuisance if made continuously for prolonged periods. The issuance of the environmental permit did not mean that the residents would not be subject to excessive noise, nor their objections adequately addressed. Sharing Mr CHENG's view, the Chairman considered that as the project had not been finalized yet, something more should be done in excess of the basic EIA requirements for the residents. Mr CHENG further said that he found KCRC's reply both unfair and unacceptable. In striking a right balance between public and private interests, the feelings of the limited number of affected residents along side MOS Rail should not be ignored. It was equally important to address their environmental concerns and most of the problem could be resolved by building the Ma On Shan segment underground.

32. Concluding the deliberation, the Chairman said that the MOS Rail and TST Extension project would be further discussed when the funding request was put to FC for approval.

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IV Driver Improvement Scheme

(LC Paper No. CB(1)1234/99-00(05) - Information paper provided by the Administration)

33. The Chairman invited members to comment on the proposal to introduce a Driver Improvement Scheme (DIS) in Hong Kong as an alternative to penalty for minor traffic offences as stated in the Administration's paper (LC Paper No. CB(1)1234/99-00(05)).

Policy considerations

34. Members were generally supportive of the positive intention of the scheme to rectify problematic driving behaviour by education. However, when considering the proposal from the wider perspective of ensuring road safety and combating traffic offences, some members expressed reservation on the proposed framework of DIS which completely took away the punitive element in the form of driving-offence points (DOPs). Without the deduction of DOPs, no deterrent effect could be achieved and drivers would not take the course seriously. As such, the effectiveness of the scheme was highly doubtful. Pointing out that the scheme had other shortcomings, such as the course was too short and there was no test, the members were unconvinced that a lasting effect could be made in rectifying the improper behaviour of drivers. In this connection, Mr LEE Wing-tat suggested that consideration might be given to deducting additional points in cases of repeated offence by drivers who had taken the course.

35. Sharing his experience as a driver who had been disqualified previously and had now incurred 14 points, Mr CHENG Kar-foo remarked that penalty was by far the most effective deterrent and a person faced with the likelihood of disqualification would exercise extra care when driving. He stressed that for the purpose of ensuring road safety, the scheme should retain a punitive element.

36. Ir Dr Raymond HO, however, opined that to a certain extent, the training course did create pressure on the drivers. Pointing out that the target was on minor traffic offences, he suggested that the proposed scheme which aimed at educating the drivers should be tried out first.

37. Mr CHAN Kam-lam considered that the scheme as proposed was aimed at punishing rather than educating the offenders who were required to take precious time out to sit through the course. Without the requirement of a test, there was no way to ensure that the participants did learn something from the course. The Chairman, however, disagreed that such was the intention of the scheme.

38. Another concern was raised by some members in respect of possible abuse by drivers who were approaching the 15-point threshold. By choosing to take the training course, such drivers could delay being disqualified from holding a driving licence. The Administration should balance the interest of the professional drivers and the trade

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against that of other road users whose safety might be threatened by such drivers who deliberately chose to take the course to delay disqualification.

39. Mr LEE Wing-tat opined that the objective of improving driving behaviour would not be achieved if the greatest incentive for drivers to take the course was to delay disqualification. While urging the Administration to take this view into account, Mr LEE suggested that in order to tighten the loophole in the proposed scheme, drivers who had completed the training course would incur less DOPs, rather than no points at all. His view was shared by Mr CHENG Kar-foo. Acknowledging the members' concern, the Deputy Secretary for Transport (DS for T) said that the Administration would look into the suggestion in more detail taking into account the views of the trade and the professional drivers.

40. In this connection, the Chairman enquired whether experience from overseas countries showed that drivers would only choose to take the training course when many points had been incurred. The Assistant Commissioner for Transport/Management and Licensing (AC/ML) replied that no conclusion could be drawn in this respect as different options were available to drivers in different countries. DS for T also said that the effect of the scheme would be assessed after it had been put into implementation.

41. Taking a different view from Mr LEE Wing-tat, the Chairman opined that the scheme might lose its appeal if DOPs were to be deducted in addition to course attendance. She cautioned that a right balance had to be struck and if the drivers were not interested in taking the course, the scheme would not be successful. Her view was shared by Mr CHAN Wing-chan who considered that as efforts had been made by the drivers to attend the course, no points should be incurred for their offence.

Implementation of the scheme

42. Mr CHAN further enquired about the estimated number of drivers who were expected to benefit from the scheme. DS for T replied that on the basis of the number of drivers who were convicted of traffic offences which incurred 5 DOPs or less, 130 000 drivers might benefit from the scheme each year, subject to the decision of the court. In view of the great demand, Mr CHAN opined that apart from the three organizations which had indicated interest, other organizations should also be enlisted to operate the course. DS for T informed members that while the exact number of course operators had yet to be decided, it was highly likely that the course would be provided by more than one operator. After the course content was finalized, tenders would be invited from private organizations. Apart from tender price, consideration would also be given to whether the proposal from tenderers would deliver the standard required. In this respect, the Chairman urged the Administration to give due regard to the anticipated demand when the relevant decision was made.

43. Mr LEE Wing-tat was alarmed by the figure quoted and asked about the amount of court time to be taken up to determine these cases. In reply, the Commissioner for

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Transport (C for T) clarified that 130 000 drivers were the absolute maximum and it was basically the number of fixed penalty tickets issued every year. In reality, the figure would be much lower. On average, there were about 7 000 cases each year where the drivers were actually disqualified from holding a driving licence for crossing the threshold of 15 DOPs, and out of which, 5 000 cases were disqualified for the first time.

44. C for T added that the Administration came to the view that it would be more appropriate for the relevant decision to be made by the court, rather than by the Police on discretion at the time of issuing the fixed penalty ticket. Under the proposed framework of DIS, drivers had to go to court before they could benefit from the scheme. However, basing on information gathered from a recent trip to the United States and Canada, the Administration was also considering whether it would be possible to adopt the practice overseas of allowing people to volunteer for the training course with the view of improving their attitude, as well as self-initiating a drop of 2 or 3 points from the total points incurred. By keeping the business out of the court, the member's concern of overloading the court might be addressed. Notwithstanding the course being contemplated by the Administration, C for T stressed that the main objective of the scheme was to improve the drivers' attitude.

45. Responding to the Chairman's request for clarification on C for T's reply, DS for T advised that the option of allowing people to volunteer for the training course as outlined above was an additional course still under consideration and it might or might not result in a drop of DOPs. Under the present proposal, the decision of whether DIS would apply to individual offenders was to be made by the court after taking all relevant factors into account. If a person completed the course on the court's instruction, no DOPs would be deducted for his offence.

46. Some members, however, held the view that the drivers concerned should be allowed to choose between taking the training course and deduction of DOPs as the drivers who took the course out of their own accord would adopt a more receptive attitude. Mr TAM Yiu-chung remarked that with the court's decision, the drivers might feel resistant and the effect of the course would be diminished. He suggested that such a choice be offered in the initial stage of implementation and the results could be reviewed after a period of time. In reply, DS for T said that given the aim of the scheme was to help improve driving behaviour, it was considered appropriate for the court to decide whether the training course could in any way benefit the offender.

47. Given that the full training fee would be paid by the drivers, Mr CHAN Wing-chan asked what the estimated amount would be. In reply, AC/ML advised that the course fee would be at a level "comparable to the existing levels of fine for minor traffic offences", i.e. from several hundred to one thousand dollars.

48. Responding to members' questions about the content of the course, particularly about whether different courses would be designed to target the wide range of traffic offences which incurred 3 DOPs as set out in Annex A of the Administration's paper, DS

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for T advised that the detailed content of the course was being formulated in consultation with professional drivers and the trade. Reference would also be made to overseas practices, and she welcomed any suggestions from members. Under the present proposal, the course would be primarily focused on aspects such as improving driving behaviour and cultivating a proper sense of being a responsible road user, rather than improving driving skills as the target of DIS was those drivers who had committed minor driving offences. In supplement, AC/ML informed members that generally speaking, the evaluation of the effectiveness of similar schemes in overseas countries was positive. Taking into account their experience, a course framework best suited to the circumstances of Hong Kong would be drawn up.

49. Some members suggested that there should be a test for the course so as to enhance the effectiveness of the learning process. In response, AC/ML advised that as the objective of DIS was to educate drivers, no test was proposed for the course. DS for T added that it was also the practice adopted by the majority of the overseas countries. Moreover, it was considered not appropriate to place the drivers under the double jeopardy of having to face prosecution, and hence the deduction of DOPs or disqualification, after failing the course. Addressing members' concerns, DS for T said that an additional requirement for satisfactory completion of the course, as well as the adoption of an interactive teaching approach might be considered by taking into account relevant overseas experience. The use of an interactive approach was supported by Ir Dr Raymond HO. In this connection, the Chairman asked if additional information on the rate of course participants repeating the same offence in overseas countries could be provided to members for information when the finalized proposal was made available to the Panel. DS for T agreed to the request.

Admin.

50. On the question of whether the suggested course duration of 6 hours would be adequate, DS for T explained that while similar courses organized in some European countries went from 8 to 16 hours, the Administration took the view that a course of 6 hours would serve the purpose for Hong Kong as according to the experience of the United States and Canada where driver improvement schemes had been in existence for more than 20 years, the course duration was from 6 to 8 hours.

51. Concerning about facilitating attendance by professional drivers, some members called for a greater flexibility in the arrangement of the course, such as scheduling morning and evening classes to cater for their irregular working hours and allowing the participants to complete the whole course either in one day or in several days within a certain period. In response, DS for T said that similar views were expressed by the professional drivers during consultation, and both their views and members' suggestions would be considered.

V Driving Instructors' Licence

(LC Paper No. CB(1)1435/99-00(04) - Information paper provided by the Administration;

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- LC Paper No. CB(1)1435/99-00(05) - Submission provided by a group of former driving instructors of the Hong Kong School of Motoring;
- LC Paper No. CB(1)1460/99-00(01) - Submission provided by the Public and Private Light Buses Driving Instructors' Society; and
- LC Paper No. CB(1)1460/99-00(02) - Submission provided by the Hong Kong and Kowloon Federation of Driving Instructors)

52. The Chairman recapitulated that at the Panel meeting on 26 November 1999, members were briefed by the Administration of the outcome of the review on driver training policy and the package of proposals as set out in the consultation paper issued to the driving instructor trade. With the conclusion of the consultation exercise on 1 March 2000, the Administration had set out in its paper the views expressed by the trade on the package, as well as the proposed plan for issuing "group licences" for existing private driving instructors (PDIs) and issuing new licences (LC Paper No. CB(1)1435/99-00(04)).

53. In addition to the three submissions from the trade already issued, the Chairman drew members' attention to the submission from the Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited which was tabled at the meeting.

(Post-meeting note: The submission tabled at the meeting was circulated to members vide LC Paper No. CB(1)1489/99-00 on 2 May 2000.)

54. Responding to the Chairman's request, AC/ML advised that on the grouping proposal of PDI licences, the majority of trade associations gave their full support and urged for early implementation. Regarding the objection raised by the Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited which mainly represented the interest of bus PDIs, the main concern was on the issuance of licence by direct endorsement without test which failed to ensure that Public Light Bus PDIs would meet the driving instruction standard required for Bus. After consideration, the Administration was of the view that the Association's concern had already been addressed under the grouping proposal. Firstly, the groupings were proposed taking into account the common features of the types of vehicles within the same group. For Group 2 which covered Bus and Public Light Bus, both were vehicles for the carriage of a substantial number of passengers. In order to be qualified for giving instruction on Bus, Public Light Bus PDIs should have been in possession of a valid driving licence for Bus for three years and they had in fact the requisite technique and experience in giving driving instruction. Secondly, seminars would be run by the Transport Department (TD) on the techniques, driving test requirements and special features of the different classes of vehicles prior to the issuance of group licences so as to ensure that the driving instruction standards would be maintained. For the purpose of

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enhancing their techniques, the majority of Public Light Bus PDIs consulted had indicated their intention to attend such seminars. Thirdly, the driving instruction standard of PDIs with newly acquired instruction entitlement would invariably be reflected on the pass rate of their students and the situation would be closely monitored by TD.

55. Mr CHAN Wing-chan enquired about the details of the seminars to be organized by TD. AC/ML replied that separate seminars for different classes of vehicles would be organized in July and August and all PDIs eligible for the new instruction entitlement would be invited to attend. As for the content of the seminars, discussion groups and mock examinations would be held, and existing PDIs of the respective class of vehicles would be also invited to share their experience.

56. In reply to Mr LEE Kai-ming's enquiry on the measures to be taken against those PDIs who failed to maintain a satisfactory driving instruction standard, AC/ML said that a mechanism had already been provided under the Road Traffic (Driving Licences) Regulations (Cap. 374, sub. leg.) whereby the Commissioner for Transport could require a driving instructor to take a test conducted by authorized examiners for the purpose of assessing his standard and method of the driving instruction. If the driving instructor failed in the test, his driving instructor's licence could be cancelled. Responding to a follow-up question from the Chairman, AC/ML said that no driving instructor's licence had been cancelled before as it was generally agreed that the overall driving instruction standard of driving instructors was satisfactory.

57. While appreciating the effect of ensuring a more equitable share of PDIs within each group brought about by the proposal, Mr LEUNG Yiu-chung opined that in view of dissenting views from the trade, the Administration might need to review the existing benchmark of 1 050 for regulating the size of Group 1 PDIs. In response, AC/ML said that the benchmark figure was set having regard to the latest information on valid PDI licences as at the end of 1999. The Administration considered that this level of supply of PDIs would be able to cope with the market demand. Moreover, according to the views collected during the consultation period, the benchmark figure was in general acceptable to the trade.

58. In respect of the necessary legislative amendments to be tabled to the Legislative Council for negative vetting, the Chairman requested that more time should be allowed for Members to consider the proposal and if necessary, to solicit the views of the trade. Her view was noted by the Administration.

VI Speeding of public light buses

(LC Paper No. CB(1)1435/99-00(06) - Information paper provided by the Administration)

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59. Given that public concern was aroused recently over a number of fatal accidents caused by the speeding of public light buses (PLB), the Chairman said that the Panel initiated this discussion with the Administration on possible measures that could be taken to tackle the problem. In this connection, the Assistant Commissioner for Transport/New Territories (AC/NT) informed members that a special Task Force comprising representatives from TD and the Police had been set up and a series of measures were adopted to combat speeding activities of PLB as follows:

- (a) by education through workshops organized for green minibus (GMB) operators;
- (b) by administrative measures through licensing conditions;
- (c) by stepping up enforcement actions through the co-operation of the Police; and
- (d) by adopting new technologies to enable monitoring by passengers.

AC/NT stressed that persistent efforts would be made by the Police and TD to target the problem in close consultation with the trade.

60. Referring to paragraph 9 of the Administration's paper (LC Paper No. CB(1)1435/99-00(06)), members were dissatisfied that a long time would be taken by the Administration to conduct further studies on some of the proposed measures before their implementation could be finalized. Considering that passenger safety should be of utmost concern, they were of the view that such measures should be adopted as soon as possible. In reply, AC/NT explained that measures were already taken by the Administration expeditiously on all fronts.

61. Mr CHAN Kam-lam opined that instead of taking time to examine the proposed measures and to consult the trade, the installation of red light cameras at road junctions and speed warning devices on PLBs should be expediated.

62. Responding to Mr CHENG Kar-foo's view that the most effective measure was the imposition of a maximum speed limit on PLBs, AC/NT explained that while there were statutory maximum speed limits on medium and heavy goods vehicles and buses, the imposition of such a limit on PLBs would require further study as legislative amendments were involved.

63. Given that the maximum speed limit of buses was 70 km, Mr CHENG Kar-foo was of the view that both the public and the trade should find it acceptable if the limit of light buses was set between 70 and 80 km. He urged the Administration to submit the relevant legislative proposal to LegCo as soon as possible so that Members could decide whether the imposition of such a limit on light buses was desirable. The Chairman also said that the views of LegCo Members and the trade should be consulted when the

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finalized proposal was available. However, Mr LAU Kong-wah cautioned that while he adopted an open attitude on the issue, the proposal would involve the consideration of whether similar restriction should be imposed on other types of vehicles such as taxi and private cars for equitable treatment.

64. Referring to the accident rates given in Annex A of the Administration's paper, Mr LEE Wing-tat opined that the slight increase in the number of accidents involving PLB over the past ten years was a result of the lack of seat belt for passengers. He urged the Administration to enter into discussions with car manufacturers to develop a new PLB model which would support the proper installation of seat belt. Mr LEE's view was noted by AC/NT who assured members that the Administration had repeatedly urged the Japanese manufacturers of the two PLB models currently used in Hong Kong to speed up the design process. However, as those vehicles as used in Japan were not installed with seat belts, time would be taken for the manufacturers to conduct tests and make the necessary adjustments to the new design.

65. Citing public support for the installation of speed warning devices, Mr LEE Wing-tat suggested that their effectiveness might be enhanced by record-keeping and alarm functions which would facilitate prosecution by the Police and assist passengers to better monitor the driving speed. In this connection, AC/NT advised that at present, speed warning devices had been installed in 103 GMBs and when the vehicle was travelling beyond a preset speed limit, say 100 km, warning signals would be given.

66. Mr LEE queried the effectiveness of the existing devices which had a preset speed limit. In response, AC/NT said that discussions were being held with the technology company concerned to introduce the second generation speed warning device into Hong Kong for testing. The new device would be able to show the travelling speed instantly on a display panel. The installation of such device was welcomed by Mr CHAN Kam-lam. AC/NT added that with the speed warning devices, it was hoped that the passengers could play an active monitoring role and whenever speeding activities were detected, they could lodge a complaint against the driver through the telephone hotlines displayed on board. Given that it would be impossible to deploy officers on each and every PLB to monitor their speed, monitoring by passengers was indeed a very useful and effective means.

67. Considering that the crux of the problem was the traffic accidents caused by speeding, rather than speeding per se, Mr LEUNG Yiu-chung was doubtful of the effectiveness of the measures proposed by the Administration in the prevention of accidents, such as the installation of speed warning devices and the monitoring by passengers. Echoing Mr CHENG Kar-foo's earlier view, Mr LEUNG was in favour of imposing a maximum speed limit on PLBs.

68. However, AC/NT said that although most traffic accidents were in fact not caused by speeding, the effectiveness of preventive measures should not be underestimated and prevention had always been the approach taken by the Administration. In fact, the

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monitoring and reporting by passengers were frequently relied on in targetting improper driving behaviour and in monitoring transport services. He was also aware that the limitation of speed was one of the control measures adopted by franchised bus companies. In view of the absence of a statutory framework for imposing a mandatory maximum speed limit on light buses, AC/NT suggested that restriction with a similar effect could be imposed through other means, such as the terms and conditions of insurance cover. In the meantime, discussions would be held with the trade to solicit their views.

69. Mr CHAN Kam-lam cautioned that as PLB routes might pass through different speed limit zones, the imposition of a maximum speed limit on PLBs generally might not be feasible. His view was shared by the Chairman. Mr CHAN suggested that consideration might be given to imposing a higher level of penalty on drivers of different types of vehicles, as well as penalizing the owner of the offending vehicle. However, the Chairman pointed out that while the owner of the vehicle concerned would have to assume civil liability for wrongdoings of the driver, it would not be the case for criminal liability. AC/NT supplemented that as fixed penalty tickets were issued to drivers, it would be unfair to punish the owner of the vehicle who had no knowledge of the speeding offence at all. The Chairman also said that it would be even more unfair to punish the owners who hired out their vehicles.

70. Mr LEE Wing-tat opined that GMB operators had an obligation to provide a reasonable standard of service under their passenger service licences. The Administration should consider laying down certain requirement for GMB drivers to report their fixed penalty offences to the operator so that the operator would also be held responsible. In reply to Mr LEE's enquiry, AC/NT said that up to now, no passenger service licence had been suspended because improvements would always be made by GMB operators after they had been warned.

71. Instead of relying on drivers to report their offences to the operators, Mr CHAN Kam-lam and the Chairman urged the Administration to look into ways of generating additional information for the operators to exercise better control, such as the registration number of the offending vehicle issued with fixed penalty tickets. While agreeing to consider the members' suggestion, AC/NT said that under the existing regulatory regime, it would be quite difficult technically to get the requisite data and information.

72. The Chairman expressed support for the licensing condition imposed on GMB operators to formally employ drivers in lieu of hiring GMBs to drivers on per diem rates. In this way, the GMB operators could exercise proper and effective control on the drivers. In response, AC/NT said that while such condition was imposed after 1997, the passenger service licences issued before that date would be revised accordingly upon renewal. As opposed to hiring the vehicle where drivers would be more likely to engage in speeding activities, GMB drivers would have to operate the vehicle according to a pre-determined schedule of service.

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73. Mr LEE Wing-tat opined that given the way things stood, no effective measures were proposed in the short term. However, the Chairman remarked that more could be done to target specific causes of traffic accidents, such as the behaviour of drivers who failed to comply the traffic signal. Sharing the Chairman's view, AC/NT said that the problem of road safety should be tackled from different angles and it had always been the Administration's intention to do so by adopting the series of measures proposed. But he admitted that it might take some time before their effects could be seen.

74. Drawing members' attention to the statistics presented in Annex B of the paper in respect of police prosecutions against PLB speeding, the Chief Superintendent, Traffic of the Hong Kong Police Force (CS(T)/HKPF) said that while the majority of prosecution cases in 1997 to 1999 were for speeding in excess of speed limits by 15 to 30 km/hr, 60% of the cases prosecuted in January to March 2000 were for speeding in excess of speed limits by less than 15 km/hr. Initial results were witnessed for the strengthened enforcement actions as well as extensive education and publicity campaigns. Pledging the Police's support for TD's approach of encouraging reporting by passengers through the established channels, e.g. the Transport Complaints Unit, CS(T)/HKPF assured members that the Police would analyse all information received in great detail and enforcement actions would be targetted at those routes with the greatest problem created by a handful of irresponsible drivers. While it was never the intention of the Police to keep the drivers out of business, repeated offenders who failed to provide a safe and satisfactory standard of service would be penalized in accordance with law and might even be disqualified. The Chairman remarked that if certain routes had been identified, the Police should consider stepping up the use of laser guns to combat the problem.

75. Quoting a case where the journey time for an overnight route from Mongkok to Wo Che was only about 10 minutes previously and the same trip would now take about 22 minutes, Mr LAU Kong-wah endorsed the effectiveness of monitoring by passengers and the strengthened enforcement actions. However, he said that according to a recent survey conducted by the Democratic Alliance for the Betterment of Hong Kong, 80% of the passengers would not report the speeding activities of PLB drivers as they considered that enforcement actions were not taken fast enough to be effective. Mr LAU took the view that in order to build up the confidence of the passengers, the reporting system should allow for immediate response by the Police. No time should be wasted on collecting and analyzing information.

76. AC/NT replied that quick follow-up actions would indeed be taken. While the Police was responsible for enforcement, TD would take up the relevant complaint with GMB operators over the phone. If no improvement was made after the warning, the matter would be considered in the context of the interim review of the passenger service licences which might affect its renewal. CS(T) of HKPF also said that the Police would try to achieve the best possible results within the limited resources available. In view of the special characteristics of PLB operations which involved regular drivers and vehicles running on the same route serving more or less the same group of passengers, the focus

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of the Police was more on the general problem presented by various routes instead of individual drivers. In terms of resources allocation, the more problematic routes would be targeted first while those with less serious problem would have a lower priority.

77. Summing up the discussion, the Chairman invited the Administration to take note of the members' views and suggestions, particularly in respect of the ways to enable GMB operators to better control the drivers under their employment, as well as the use of advanced technologies to monitor speeding activities on the road.

VII Any other business

78. There being no other business, the meeting ended at 1:05 pm.

Legislative Council Secretariat

24 May 2000