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**MEMO**

To : CCS(1)2  
From : CCS(1)1  
Ref : CB1/SS/8/11  
Date : 21 March 2012


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

In the course of deliberation of the six Orders, Subcommittee members have raised concerns on the efficacy of the existing mechanism in monitoring franchised bus operation, given that the average lost trip rate of 5.6% in 2011 was higher than that of about 3% to 4% in the previous two years. As a step forward, some members suggest that an electronic system should be put in place to gather real-time information on bus arrival and departure time at bus stops. The electronic system should be set up using public fund to ensure that the cost incurred will not be passed on to the commuters.

As the subject falls outside the remit of the six Orders, the Chairman of the Subcommittee has instructed that this should be relayed to the Panel on Transport for follow up. In this connection, the relevant parts of the report of the Subcommittee are extracted for your ease of reference.

With best regards,

  
(Miss Becky YU)  
CCS(1)1

Encl.

## 摘錄

### 研究於2012年1月20日刊登憲報的6項根據《公共巴士服務條例》 第5(1)條作出的命令的小組委員會向內務委員會提交的報告

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#### 對專營巴士服務的監察

9. 小組委員會部分委員對於巴士脫班的情況表示關注，並詢問現行的監察機制如何確保巴士服務班次符合編定班次。據政府當局所述，專營巴士公司須按照運輸署批准的服務詳情表所訂的路綫、時間表、班次及巴士調配規定提供服務。專營巴士公司亦須向運輸署提交每條路綫的營運報表，包括調配行走有關路綫的巴士數目、班次數目、行車里程和乘客人數等。運輸署透過審核營運報表，以及密切監察從交通投訴組和1823電話查詢中心等渠道取得的市民意見，監察巴士服務的運作情況。此外，運輸署定期進行調查，包括總站視察、中途站調查、行車時間調查、設定界線調查及車上實地調查等，以收集有關巴士服務水平的資料，並會因應接獲的投訴或建議，或從巴士公司的定期報表發現的問題進行特別調查。

10. 小組委員會從政府當局的文件（載於立法會CB(1)1249/11-12(02)號文件的附件）得悉，2011年的巴士服務班次數目與服務詳情表所編定班次數目的相差比率為5.6%。有關問題在某些地區較為嚴重，例如九龍城在2011年的脫班比率為11.1%。鑒於脫班的百分率偏高，部分委員質疑現行對專營巴士服務的監察制的效用。這些委員又詢問政府當局已採取／將採取甚麼行動處理脫班問題。

11. 政府當局確定2011年5.6%的平均相差比率高於先前兩年的約3%至4%。據專營巴士公司所述，巴士車長流失率高和因病缺勤是2011年導致巴士脫班的主因。專營巴士公司一直採取措施改善情況，包括招聘新車長、檢討車長薪酬及改善其工作環境等。運輸署會監察有關情況，確保專營巴士公司繼續積極採取行動處理問題。概括而言，如發現某巴士路綫的乘客需求有明顯及持續的改變，運輸署會與有關巴士公司商討，以調整服務配合此等轉變。如發現某路綫或某組路綫有任何問題或服務不足之處，例如受交通擠塞問題影響，運輸署會與有關方面

商討，針對問題建議改善方案，例如實施交通管理計劃、修改行車路線或調整行車時間表等。如有關問題在於營運方法、車長不足或巴士經常故障，運輸署會要求有關專營巴士公司作出改善。運輸署會透過實地調查和審核巴士公司提交的報表，密切監察其改善措施的成效。有關專營巴士公司如未能提供合理解釋及適時作出改善，運輸署會發出提示信，要求有關巴士公司在合理時間內執行改善措施。運輸署並會再作跟進調查，以確定有關巴士公司作出的改善措施的成效。

12. 為確定各間專營巴士公司的人手狀況，小組委員會要求政府當局提供各間專營巴士公司的巴士與巴士車長的比例的資料。據政府當局所述，截至2011年年底，現時5間專營巴士公司共有5 798輛巴士，並聘用了12 088名全職車長和330名兼職車長。全職巴士車長與巴士的平均比例為2.11<sup>1</sup>(即每輛巴士配備兩名或以上全職車長)，與新加坡的2.01相若。

13. 小組委員會察悉，除大嶼山巴士公司(該公司因營運時間相對較短，故其巴士與巴士車長的比例為1.34)外，九巴的巴士與巴士車長的比例為2.04，在其餘4間專營巴士公司中最低，這可能解釋了為何九巴在2011年錄得7.2%的最高脫班率。部分委員詢問運輸署採取了甚麼行動，要求九巴改善其服務。政府當局表示，運輸署一直在不同方面採取跟進行動。運輸署已透過實地調查和視察以加強監察九巴的服務表現，並經常與九巴保持聯繫，包括發出提示信和警告信，以及與其高層管理人員舉行會議，要求採取適時和有效的改善措施。據九巴所述，2011年脫班率上升，主要是由於有更多道路出現擠塞和車長人手短缺所致。該公司車長人手不足，主要因自實施法定最低工資後，一些有意投身司機行業的人士轉到其他行業。為改善情況，九巴已實施多項措施，包括循更多不同途徑招募車長、擴大其車長訓練學校的規模，以及推出挽留措施，例如向通過試用期的新入職車長發放特別花紅、檢討車長現時薪酬及改善其工作環境等。運輸署一直密切監察九巴的改善措施的成效，其2012年2月最新錄得的脫班率已下降至6.7%。運輸署會繼續密切監察有關情況。

14. 部分委員詢問，若未能符合服務詳情表的情況經過一段合理時間後沒有改善，政府當局有何罰則針對這樣的情況。政府當局表示，可根據該條例第22條，建議行政長官會同行政會

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<sup>1</sup> 為方便計算，兩名兼職司機計作一名全職司機。

議向有關的專營巴士公司徵收罰款。

### 在巴士站收集巴士到站及開出時間的電子系統

15. 部分委員仍然關注現有監察機制的效用。為推動這方面的工作，這些委員建議當局設立電子系統，在巴士站收集有關巴士到站及開出的實時資料。有關的電子系統應動用公帑設立，以確保有關費用不會轉嫁到乘客身上。

16. 據政府當局所述，專營巴士公司有責任設立本身的管理系統，按照服務詳情表所載經核准的時間表監察所提供的巴士服務。為此，專營巴士公司會調派站長到主要巴士總站調節巴士班次，並因應服務受阻情況作出調整，確保其巴士服務按照服務詳情表營運。為減輕記錄巴士開出資料的繁重工作量，九巴和龍運巴士有限公司開發了一套"電子站務管理系統"，以助調節其部分繁忙總站的巴士到站和開出時間。此外，城巴有限公司和新世界第一巴士服務有限公司在部分繁忙巴士總站裝設了電腦終端機，由站長以人手輸入巴士開出時間；有關資料並連接其公司的內部資料庫。至於不繁忙的巴士總站，車長一般會致電其公司的控制中心，以登記任何偏離行車時間表的情況。運輸署鼓勵專營巴士公司視乎營運需要及成本效益，開發聯線電子系統或擴展此系統，以助維持穩定和可靠的服務。政府當局重申，在巴士站收集巴士到站和開出時間的即時資訊，可提供該站某一巴士提早／延遲到達的詳細資料，但運輸署在執行監察工作時未必會直接使用。這些數量龐大的數據須經過詳細分析，才可使用。而運輸署仍須要求專營巴士公司進行調查、解釋班次失準的原因，並建議糾正方法。因此，使用公帑設立該系統以作監察用途的建議，並不符合經濟效益。

17. 小組委員會並不信服政府當局的回應。由於此事超出小組委員會的職權範圍，小組委員會要求秘書向交通事務委員會轉達委員的關注以作跟進。

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

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Monitoring of franchised bus operation

9. Some Subcommittee members have expressed concerns about lost bus trips, and enquired about how the existing monitoring system ensures that bus trips are on schedule. According to the Administration, franchised bus companies are required to operate bus services in accordance with the routing, timetable, frequency and bus allocation as stipulated in the Schedule of Service approved by the Transport Department (TD). Franchised bus companies are also required to submit to TD operating returns on each route, including the number of buses deployed, the number of trips and kilometers travelled, and the number of passengers carried etc. TD monitors the operation of bus services through scrutiny of the operating returns, and public feedback collected through various channels, such as the Transport Complaints Units and 1823 Call Centre. In addition, TD conducts regular surveys (including termini checks, en-route bus stop surveys, journey time surveys, screenline surveys and on-vehicle surveys etc.) to gather information on the level of service provided, as well as ad hoc surveys in response to complaints or suggestions, or problems which have been identified from the regular returns of franchised bus companies.

10. The Subcommittee notes from the Administration's paper (Annex to LC Paper No. CB(1) 1249/11-12(02)) that the average percentage of bus trips which deviated from the Schedule of Service was 5.6% in 2011. The problem was more acute in certain districts, including the Kowloon City District which recorded a lost trip rate of 11.1% in 2011. Given the high percentage of deviation, some members have questioned the efficacy of the existing mechanism in monitoring franchised bus operation. These members have also enquired about the actions taken/to be taken by the Administration to deal with the problem of lost trips.

11. The Administration has confirmed that the average percentage of deviation of 5.6% in 2011 was higher than that of about 3% to 4% in the previous two years. According to the franchised bus companies, higher rates of turnover and sick leave of bus drivers were the major reasons for lost trips in 2011. The franchised bus companies have been taking measures to improve the situation, including recruitment of new bus drivers, reviewing bus drivers' remuneration and improving their working environment. TD will monitor the

situation to ensure the franchised bus companies will continue to take proactive actions to address the problem. In gist, if noticeable and consistent changes in passenger demand for a particular bus route are noted, TD would liaise with the bus operators to adjust the services to match such changes. If any problem or deficiency is identified on any particular route or group of routes, for example, if traffic congestion plagues a particular route, TD will liaise with the relevant parties to address the problem and recommend improvement measures, such as implementation of traffic management schemes, alteration of the bus routeing or adjustment of service timetables. If the problem arises from operating practice, shortage of bus drivers, or high breakdown rates of buses, TD will require the franchised bus companies to make improvement. TD will closely monitor the results of the improvement actions made by franchised bus companies through conducting field surveys and checking reports submitted by the companies. In case a franchised bus company fails to provide reasonable explanation and make timely improvements, TD will issue reminder letters to the company requesting it to implement measures within a reasonable period of time. Follow-up surveys will also be arranged to ascertain the effectiveness of improvement measures made by franchised bus companies.

12. To ascertain the manpower situation of each of the franchised bus companies, the Subcommittee has requested the Administration to provide information on the ratio of the number of buses to bus drivers of each franchised bus company. According to the Administration, the existing five franchised bus companies operated a total fleet of 5 798 buses and employed a total of 12 088 full-time and 330 part-time bus drivers as at end of 2011. The average ratio of the number of full-time drivers to buses is 2.11<sup>1</sup> (i.e. two or more full-time bus drivers per vehicle) which is comparable to that of 2.01 in Singapore.

13. The Subcommittee notes that apart from NLB (which has the driver/bus ratio of 1.34 owing to its relatively short operating hours), KMB has the lowest driver/bus ratio of 2.04 among the remaining four franchised bus companies which might explain why KMB has the highest lost trip rate of 7.2% in 2011. Some members have enquired about the actions taken by TD to ask KMB to improve its bus services. The Administration has advised that TD has been taking follow-up actions on different fronts. Apart from strengthening the monitoring of performance of bus services through field surveys and inspections, TD has had frequent correspondences (including issue of reminder letters/warning letters) and meeting with KMB's senior management, as well as demanding timely and effective remedial measures. According to KMB, the increase of lost trip rates in 2011 was primarily a result of more congested roads

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<sup>1</sup> Two part-time drivers are counted as one full-time driver for calculation purpose.

and shortage of bus drivers, the latter of which was mainly due to the introduction of the statutory minimum wage which funnelled potential drivers to other occupations. To improve the situation, KMB has implemented a number of measures which include recruiting more bus drivers through different channels, expanding its bus driver training school capacity, reviewing remuneration for existing bus drivers and improving their working environment, as well as retaining new bus drivers through the provision of a special bonus. As a result, the latest lost trip rate of KMB in February 2012 was reduced to 6.7%. TD would continue to closely monitor the situation.

14. Some members have enquired about the penalties which the Administration can take against non-compliance with the Schedule of Service if there is still no progress of improvement after a reasonable period of time. The Administration has advised that it may recommend the CE in Council to impose financial penalty on the franchised bus company according to section 22 of the Ordinance.

#### Electronic system to gather data of bus departures and arrivals at bus stops

15. Some members remain concerned about the efficacy of the existing monitoring mechanism. As a step forward, these members suggest that an electronic system should be put in place to gather real-time information on bus arrival and departure time at bus stops. The electronic system should be set up using public fund to ensure that the cost incurred will not be passed on to the commuters.

16. According to the Administration, franchised bus companies are obliged to set up their own management system to monitor the provision of bus services in accordance with the approved timetable set out in the Schedule of Service. In this connection, franchised bus companies deploy bus regulators at major bus termini to regulate bus departures and make adjustments in case of any service disruption. To alleviate the enormous workload arising from the task of recording the departure information, KMB and LWB have developed an electronic "Terminus Management System" to assist in regulating bus arrival and departure times in some of their busy termini. On the other hand, Citybus Limited and New World First Bus Services Limited have installed computer terminals at some busy termini. The bus regulators manually input the bus departure times to the computer, and the information is linked to the bus companies' in-house database. For those bus termini observed by infrequent bus service, bus captains will normally call up the companies' Control Centres to register any deviations from scheduled departure times. TD encourages franchised bus companies to develop and expand on-line electronic system to help maintain the regularity and reliability of their services, with due regard to

operational need and cost-effectiveness of such a system. The Administration has reiterated that while real-time information on bus arrival and departure at bus stops may help provide detailed information on the early/late arrival of a certain bus at a certain bus stop, such information may not be directly used by TD to perform its monitoring role. The large amount of data would require detailed analysis before these can be put to use. TD would still require the franchised bus companies to investigate, explain the reason for non-compliances and to propose rectification measures. Therefore, the proposed use of public money to set up such a system for monitoring purpose would not be cost-effective.

17. The Subcommittee is not convinced of the Administration's response. As the subject falls outside the remit of the six Orders, the Clerk is requested to relay members' concerns to the Panel on Transport for follow up.

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**Amendments to the six Orders**

18. To ensure that the lost trip rate can be kept at a reasonable level, Mr LEE Wing-tat has indicated his intention to move an amendment to include a benchmark for deviation from the Schedule of Service in the six Orders. He has sought advice from both the legal adviser to the Subcommittee and the Administration on the feasibility and legality of the proposed amendment. In this connection, the legal adviser to the Subcommittee has prepared a paper (LC Paper No. LS43/11-12) on whether the six Orders may be amended and the scope of such amendments (if any), with particular reference to the provision of a "benchmark" in the six Orders. According to the paper referred to provided that the six Orders are subsidiary legislation, the Legislative Council may, under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), by resolution passed at a Legislative Council meeting, amend such subsidiary legislation in any manner consistent with the power to make such subsidiary legislation. If the six Orders are subsidiary legislation, the admissibility of any amendment proposed under section 34(1) of Cap. 1 will have to be ruled on by the President of the Legislative Council after considering any submission from the Administration. If the six Orders are not subsidiary legislation, any amendment has to be made by the CE in Council by an administrative order.

19. The Administration has advised that it may not be appropriate to include a "benchmark" simply based on a fixed percentage of lost trips which could be affected by factors beyond the bus companies' control, and that the impact and the seriousness of each incident of non-compliance varies. Instead of imposing penalties based on a certain benchmark, it would be more appropriate to consider any non-compliance with the Schedule of Service on a case-by-case basis. According to the advice given by the Department of Justice at the Subcommittee meeting on 8 March 2012 -

- (a) the Administration is going to proceed on the basis that the six Orders, like others previously, are to be treated as subsidiary legislation. However, it is willing to engage in discussion with the Legislative Council as to whether the schedule of routes orders are subsidiary legislation if the Legislative Council considers that

this issue should be referred to a panel for further consideration;

- (b) the amendment proposed by Mr LEE Wing-tat does not appear to be consistent with the power of the CE in Council under section 5(1) of the Ordinance to make an order to specify routes and may not be made by the Legislative Council under section 34(2) of Cap. 1.

The Administration will provide a paper setting out the views in writing in due course.

Follow-up action

20. As to whether the schedule of routes orders are subsidiary legislation, the matter will be referred to the Panel on Administration of Justice and Legal Services for follow up.

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