

For discussion on
12 April 2012

Legislative Council Panel on Transport

Access to Franchised Buses for Persons Carrying Oxygen Cylinders for Self-medical Use

Purpose

This paper briefs Members on the Administration's proposal to amend the Public Bus Services Regulations ("PBSR") (Cap. 230A) to allow access to franchised buses for persons carrying oxygen cylinders for self-medical use, subject to restrictions under regulation 74 of the Dangerous Goods (General) Regulations ("DGGR") (Cap. 295B).

Background

2. Compressed oxygen is one of the dangerous goods regulated under the Dangerous Goods Ordinance ("DGO") (Cap. 295). Under regulation 14A of PBSR, no person shall bring onto any bus any substance or article to which DGO applies. Thus, passengers carrying oxygen cylinders, even if for self-medical purpose, are not allowed access to franchised bus services.

3. Currently, there are some 5,800 buses operated by franchised bus companies. According to the Hong Kong Occupational Therapy Association ("HKOTA") which, inter alia, represents the general interest of patients who need to carry oxygen cylinders for self-medical use¹, there are about 6,000 such patients in Hong Kong. It is noted that about 40% of them (i.e. some 2,400 individuals) may take public transport from time to time.

4. Regarding other public transport carriers such as taxi, public light bus, ferry and tram, there is no similar strict control on passengers carrying oxygen cylinders under their respective statutory provisions. On the other hand, a passenger who needs to carry an oxygen cylinder for self-medical use while travelling on the rail network could seek assistance from the staff of the MTR Corporation Limited.

¹ Such as those suffering from Chronic Obstructive Pulmonary Disease.

5. The Administration has also conducted research on overseas practices. It is noted that in cities such as London, Paris, Toronto and Sydney, passengers carrying oxygen cylinders for self-medical use are normally allowed to travel on public buses.

Proposal

6. The Administration recognizes that persons requiring oxygen therapy may need to bring along compressed oxygen cylinders on medical grounds when they travel. In order to facilitate the use of franchised bus services by these individuals, it is proposed that regulation 14A of PBSR be amended to permit persons carrying oxygen cylinders to travel by franchised bus, subject to the total number of oxygen cylinders that may be carried per bus at any one time be kept at two. Under regulation 74 of DGGR, a licence is not required for the storage or conveyance of compressed oxygen not exceeding two cylinders of five litres each.

7. When formulating the proposal, the Transport Department (“TD”) has consulted the Fire Services Department (“FSD”), Electrical and Mechanical Services Department (“EMSD”), franchised bus companies, as well as HKOTA. The relevant parties are satisfied that the current design of franchised buses has incorporated adequate safety features (such as fire separation partitions) that segregate the passenger compartment from the possible source of ignition (such as engine, fuel tanks and air-conditioning system). There is also provision of sufficient doors and emergency exits as well as sufficiently wide gangways for the efficient dispersal of passengers in case of fire. In short, the proposal should not affect the safety and normal service of franchised buses.

8. Having taken into account the views of FSD, EMSD, franchised bus companies and HKOTA, we propose the following arrangement to facilitate the implementation of the proposal:

- (a) any franchised bus passenger wanting to carry an oxygen cylinder for self-medical use should advise the bus driver that he/she is carrying an oxygen cylinder for self-medical use when boarding the bus and before payment of bus fare;
- (b) the passenger would be advised to be seated at the priority seats for passengers in need, which are located near the exit door of the buses, as far as possible;

- (c) the passenger should inform the bus driver when alighting so that the bus driver can take stock of the number of oxygen cylinders on board; and
- (d) if there are already two oxygen cylinders in aggregate on board, the bus driver will not allow another passenger carrying an oxygen cylinder to board the bus.

9. Publicity will be arranged before the new measure is introduced so that passengers, particularly those requiring oxygen therapy, are aware of the relevant arrangements to ensure smooth implementation.

Legislative Timetable

10. The Administration plans to submit the Amendment Regulation to the Legislative Council for negative vetting within this year.

Advice Sought

11. Members are invited to note and offer advice on the proposal.

**Transport and Housing Bureau
Transport Department
March 2012**