

**For information on
27 November 2012**

Legislative Council Panel on Transport

The Serious Traffic Accident in Chai Wan on 19 November 2012

Purpose

On 19 November 2012, a serious traffic accident took place in Chai Wan involving a runaway bus operated by the New World First Bus Services Limited (“NWFB”). This paper seeks to report to Members on the following:

- (a) investigation into the traffic accident and follow-up actions;
- (b) details of the health check and working hour arrangements for bus captains of franchised bus companies;
- (c) road design and road safety measures at the road section concerned; and
- (d) follow-up actions on road safety of road-based public transport modes.

The Accident

2. At about 11am on 19 November 2012, a NWFB Route No. 8 bus lost control when it was running along west-bound Chai Wan Road towards Shau Kei Wan and rammed into a taxi and a Route No. 118 bus operated by The Kowloon Motor Bus Company (1933) Limited (“KMB”) on their east-bound journeys on Chai Wan Road towards Chai Wan, causing three dead and numerous injuries. Background information of the NWFB route, bus captain and bus involved is at **Annex I**.

Investigation of the Accident and Follow-up Actions

3. An in-depth investigation is being carried out by the Police in three areas, namely, mechanical failure, human negligence and breach of traffic regulations. It is expected that the investigation will take about five

months to complete.

4. Immediately after the accident, the Transport Department (“TD”) demanded a report from NWFB on the incident and met with all franchised bus companies on 23 November to reiterate the importance of operational safety of public bus services. NWFB has undertaken to do its utmost to facilitate the Police in the investigation and activated its compensation mechanism to offer assistance to the victims and their families. TD has also arranged to meet with major bus captain unions shortly to exchange views on measures and arrangements which can help prevent the recurrence of similar accidents.

5. On the day of the accident, the Social Welfare Department (“SWD”) made immediate contact with the families of the deceased, 18 hospitalised victims as well as those discharged after treatment and their families, so as to find out what their needs are and provide them with assistance such as emotional support, psychological counselling, financial aid, referral/follow-up services, etc. As for the two expatriates died in the accident, the Police have asked the relevant consulates to contact their families and follow up as appropriate. Apart from providing financial aid under the “Traffic Accident Victims Assistance Scheme” (“TAVAS”)¹, SWD has liaised with emergency charitable funds for assistance to the victims’ families in need. Among them, the “Jockey Club Emergency Relief Fund” and the “Sik Sik Yuen Emergency Relief Fund” will provide the family of the deceased taxi driver \$100,000 and \$20,000 respectively. The latter has also offered families of the victims who are hospitalized an amount of not more than \$20,000 per household. SWD will continue to provide the victims and their families with appropriate support.

Physical Health of Bus Captains and Requirements on Working Hours

(i) Legislative Requirements

6. Under Regulation 9(1) of the Road Traffic (Driving Licences) Regulations (Cap 374B) (“the Regulations”), an applicant for a driving

¹ The TAVAS administered by SWD is non-means tested and does not take into account the element of fault leading to the occurrence of the accident. Major considerations for payment under the scheme are whether the accident falls within the scope of the Traffic Accident Victims (Assistance Fund) Ordinance and if it has been reported to the Police; and whether the victim died from the accident or the injury sustained by the victim gave rise to at least three days of hospitalisation or sick leave as certified by a registered medical practitioner.

licence (including bus captains) shall, on new application or reissue or renewal, make a declaration in the application form if he is suffering from any disease or physical disability specified in the First Schedule of the Regulations (see **Annex II**), or any other disease or physical disability which would be liable to cause his driving to be a source of danger to the public. Once the declaration is made, the Commissioner for Transport (“the Commissioner”) shall reject his application. It is stipulated in Regulation 9(2A) that the driving licence holder shall forthwith give notice in writing of the fact to the Commissioner after he becomes aware of the specified disease or disability, even if he did not suffer such disease or disability when going through the above licensing formalities. The Commissioner may, if after making the necessary inquiry he is satisfied that the holder is unfit to drive, cancel his driving licence.

7. It is also stated in Regulation 10(3) and 15(7) that applicants aged 70 years or more shall, on new application or renewal, produce a medical examination certificate issued by a registered medical practitioner who is acceptable to the Commissioner not earlier than four months before the application to prove that the applicant is medically fit to drive. In this connection, the applicant may choose to apply for a driving licence valid for one or three years as stated in Regulation 11(6B).

8. As for working hours, there is currently no law in Hong Kong governing the working hours of general employees including drivers of all commercial vehicles.

(i) Other Requirements Applicable to Franchised Bus Companies

9. Since 2007, all franchised bus companies (KMB, Citybus Limited, NWFB, Long Win Bus Company Limited and New Lantao Bus Company (1973) Limited) have required, as requested by TD, bus captains aged 50 years or more to undergo health checks every year. Items covered are currently determined by the individual bus companies but the scope is similar. They include chest examinations as well as eyesight, hearing, diabetes, blood pressure, blood and urine tests; for bus captains aged 60 or more, an electrocardiogram is also required. The companies also require their bus captains to declare any disease or physical disability specified in the First Schedule of the Regulations to ensure that the captains are medically fit for driving buses.

10. Furthermore, franchised bus companies have issued guidelines to remind bus captains not to continue driving if feeling unwell while on duty. Their working manuals also remind them to ensure physical and

mental fitness and to seek medical consultation promptly in case of sickness. Subsequent to the traffic accident, the Commissioner has requested the bus companies to review the health check items for their bus captains, and if necessary, will impose appropriate requirements on and guidelines for the bus companies.

11. On working hours, TD reviews the “Guidelines on Bus Captains’ Working Hours, Rest Times and Meal Breaks” with the franchised bus companies from time to time. In October 2010, TD revised the Guidelines to further improve the working hour and rest time arrangements. Under the current Guidelines, bus captains should have a break of not less than 10 hours between successive working days; maximum duty should not exceed 14 hours and driving duty should not exceed 11 hours in a day; there should be a break of at least 30 minutes after 6 hours of duty and total service breaks of at least 20 minutes within that 6-hour duty; and there should be a meal break of 1 hour for a duty of not less than 8 hours in a day. The bus companies are required to submit a report every three months on the implementation of the Guidelines. Every year, TD will also engage an independent party to conduct a survey on the working hours of bus captains for verification purpose. As indicated by the report of the survey done in 2011, the compliance situation of the Guidelines is satisfactory.

12. To enhance the awareness of drivers of commercial vehicles in closely monitoring their physical health, TD launched promotional and educational activities in the past three years to remind them to drive safely and to take good care of their own health. Free health checks were also arranged for some drivers of commercial vehicles. The checks cover physical examination, lipid profiles, chest x-rays and fasting blood sugar tests, and benefit about 2,000 drivers every year. These activities will continue this year.

13. As for other major road-based public transport modes, different arrangements are in place as their operational modes and carrying capacities vary quite substantially from those of franchised bus companies. Details are at **Annex III**. In view of the bus accident, the Administration will review the relevant arrangements of the major public transport modes.

Road Design and Road Safety Measures of the Road Section Concerned

14. The section of Chai Wan Road between Tai Tam Road and

Shau Kei Wan Road measures about one kilometre (km) in total length, with an average gradient of 1:10² and a speed limit of 50 km per hour. Except for the road junctions, the entire section is retrofitted with central concrete profile barriers to separate vehicles heading for opposite directions. There are three lanes in the uphill section and two lanes in the downhill section, with each lane measuring about 3.3 metres in width. The design of the road section is in compliance with the road design standards in the Transport Planning and Design Manual.

15. The road section concerned is not a traffic accident black site. To enhance road safety, TD has implemented a number of improvement measures at the section in recent years. Such measures include:

- (a) providing traffic signs such as “Gradient 1:10”, “Low gear now” and “Reduce speed now” as well as road markings such as “Slow”;
- (b) installing speed enforcement cameras and displaying warning signs to deter speeding;
- (c) paving the road ahead of the two sets of traffic signals (i.e. near the junction with A Kung Ngam Road and the junction with Lei Yue Mun link road) at the section concerned with anti-skid surfacing;
- (d) except for loading/unloading areas and locations with planters, crash barriers are provided at the roadside along the entire downhill section to enhance pedestrian protection; and
- (e) all bus captains are required to stop at the bus stop near the junction with A Kung Ngam Road, regardless of whether there are boarding/alighting passengers, before continuing with their trips downhill along Chai Wan Road to avoid travelling too fast.

16. It can be seen from above that measures which have been implemented to remind motorists to take extra care at the road section concerned are rather comprehensive. Nevertheless, TD will continue to monitor the traffic situation thereat and consider measures to further enhance road safety as necessary.

² Refers to a rise of one metre vertically for every 10 metres travelled horizontally, giving a gradient of about six to seven.

Follow-up Initiatives on Road Safety of Road-based Public Transport Modes

17. The Administration attaches great importance to road safety of public transport modes. TD will, in conjunction with franchised bus companies, review the arrangements of health checks for bus captains to enhance the road safety of franchised buses. Furthermore, the Administration will carry out thorough follow-up subject to the investigation report to be completed by the Police. If inadequacies in the existing legislation or policies are identified by the investigation report, the Administration will review the matter(s) in detail so as to ensure road safety of franchised buses and other major road-based public transport modes. If amendment to the legislation or policies is deemed necessary, the Government will fully consult stakeholders of the industry and the Legislative Council to ensure that the improvement proposals are operationally practicable.

18. Members are invited to note the contents of this paper. Members' views on the above are welcome.

**Transport and Housing Bureau
Transport Department
November 2012**

Information of Bus Accident in Chai Wan on 19 November 2012

(I) Information of the NWFB bus route involved

Bus company and route number	Route No. 8 operated by New World First Bus Services Limited, plying between Chai Wan (Hang Fa Chuen) and Wanchai Pier
Place of accident	East-bound Chai Wan Road near A Kung Ngam Road
Time of accident	About 11:38am

(II) Information of the NWFB bus captain involved

Employment mode	Full-time staff
Year of service	14 years and 2 months
Post title	Bus Captain
Hours worked before accident	About 6 hours and 36 minutes (including a break of 50 minutes)
Last health check	July 2012

(III) Information of the NWFB bus involved

Age	2 years and 8 months
Last monthly examination	31 October 2012
Last annual examination	2 February 2012
Casualty	3 dead and 57 injured (1 victim in critical condition)

Annex II

Diseases or Physical Disabilities Specified in First Schedule of Road Traffic (Driving Licences) Regulations (Cap 374B)

1. Epilepsy.
2. Liability to sudden attacks of disabling giddiness or fainting due to hypertension or any other cause.
3. Mental disorder for which the applicant for the licence, or, as the case may be, the holder of the licence is liable to be detained under the Mental Health Ordinance (Cap 136) or is receiving treatment as an in-patient in a mental hospital within the meaning of that Ordinance.
4. Any condition causing muscular incoordination.
5. Uncontrolled diabetes mellitus.
6. Inability to read at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn) a registration mark.
7. Any other disease or disability which is likely to render him incapable of effectively driving and controlling a motor vehicle or suitably adapted motor vehicle to which such licence refers without endangering public safety, provided that deafness shall not of itself be deemed to be any such disability.

**Arrangements of Medical Examinations and Working Hours
for Drivers of Other Major Road-based Public Transport Modes**

- All drivers of road-based public transport modes (including trams) must be holders of a driving licence, and must therefore meet the statutory requirements regarding physical health of the licence holders on new application, reissue or renewal of a driving licence under the Road Traffic (Driving Licences) Regulations (Cap. 374B). Details are at paragraph 6 of the paper.

Green Minibuses (“GMBs”)

- In general, GMB operators do not require their drivers to undergo health check annually. However, drivers found to be unwell or in abnormal mental condition when coming to work will not be assigned driving duties and they will be asked to see a doctor for treatment or medical examination.
- As regards working hours, to ensure the provision of safe, efficient and reliable GMB services to the public, TD has formulated the following guidelines after consulting the trade: each shift period of a driver, including all rest breaks, should not exceed 14 hours per day; and the driving hours of a driver (i.e. the maximum hours of a shift period less all rest breaks that last for 15 minutes or more) should not exceed 11 hours per day.

Trams

- All drivers are required to undergo an eyesight test annually; drivers aged 55 to 59 are required to undergo eyesight and blood pressure tests annually; and drivers aged 60 or above are required to undergo a general check-up annually.
- Regarding working hours, a tram driver’s daily driving time does not exceed 11 hours, including a rest period of at least 30 minutes.

Non-franchised buses

- Similar to GMBs, non-franchised bus operators generally do not require their drivers to undergo health check annually. However,

drivers found to be unwell or in abnormal mental condition when coming to work will not be assigned driving duties and they will be asked to see a doctor for treatment or medical examination.

- As regards working hours, TD has not laid down any regulation. In general, non-franchised bus drivers work for about 10 to 12 hours a day, including rest time and meal breaks.

Red minibuses (“RMBs”)

- The drivers are mainly self-employed. TD does not regulate the routeing, operating hours and drivers’ working hours. TD will, through meetings with the trade, encourage RMB operators to remind their drivers to pay attention to their physical condition and undergo regular check-ups.

Taxis

- The drivers are mainly self-employed. TD does not regulate the routeing, operating hours and drivers’ working hours. TD will, through meetings with the trade, remind the drivers to pay attention to their physical condition and undergo regular check-ups.