

立法會

Legislative Council

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Paper for the House Committee meeting on 31 October 2014

Report of the Subcommittee on Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice

Purpose

This paper reports on the deliberations of the Subcommittee on Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice ("the Notice").

Background

2. The Road Traffic (Amendment) Ordinance 2012 ("the Amendment Ordinance") was enacted on 13 April 2012 to improve public light bus ("PLB") safety by implementing a package of measures to deter driving malpractices and speeding behaviour of some PLB drivers, and to achieve better control and regulation of the travelling speed of PLBs. One of the measures is to require applicants of PLB driving licence (excluding renewals) to have attended and completed a pre-service course before they are issued with PLB driving licences.

Mandatory attendance of pre-service course

3. According to the Administration, the objective of the requirement of attending and completing a pre-service course by PLB applicants before they are issued with PLB driving licences is to enhance the safety and service quality of PLB services. The pre-service course is introduced to enhance the awareness of safe driving of new PLB drivers and enhance their knowledge of PLB operation and service attitude. The eligibility for driving PLBs of incumbent drivers and existing holders of PLB driving licenses will not be affected by the introduction of the requirement of a pre-service course¹.

¹ The duration of the pre-service course is 16 hours, to be completed in no less than 2 full-day or no more than 4 half-day. The contents of the course cover basic knowledge and legislation on PLB operation, occupational health, construction of PLB, driving and road safety, handling of traffic accidents and emergencies, quality customer service and handling of complaints.

The Notice

4. The requirement for mandatory attendance at and completion of a pre-service course by applicants of PLB driving licence is provided under Part 4 of the Amendment Ordinance. Under section 1(3) of the Amendment Ordinance, the Secretary for Transport and Housing has appointed 1 June 2015 as the day on which Part 4 of the Amendment Ordinance comes into operation. The Notice was gazetted on 27 June 2014 and tabled at the Council meeting of 2 July 2014. The effect of the Notice is that an applicant who applies for a PLB driving licence on or after 1 June 2015 will be required to have attended and completed a pre-service course before he/she is issued with a PLB licence (excluding renewal).

The Subcommittee

5. At the House Committee meeting held on 4 July 2014, members agreed to form a Subcommittee to study the Notice. The membership list of the Subcommittee is in **Appendix I**.

6. Under the chairmanship of Ir Dr Hon LO Wai-kwok, the Subcommittee has held three meetings with the Administration and received views from the public at one of those meetings. A list of the deputations and individuals who have submitted views to the Subcommittee is in **Appendix II**.

7. Under the negative vetting procedure as specified in section 34(3)(b) of the Interpretation and General Clauses Ordinance (Cap. 1), the scrutiny period of the Notice was to expire at the Council meeting of 22 October 2014. To allow sufficient time for the Subcommittee to study the Notice, the Subcommittee Chairman has given notice to move a motion at the Council meeting of 15 October 2014 to extend the scrutiny period to the Council meeting of 12 November 2014. However, the motion was not dealt with at the Council meeting of 15 October 2014 due to heavy agenda for the meeting. Nor could the motion be dealt with subsequently at the Council meeting of 22 October 2014 before the meeting was adjourned. As such, the period for amending the Notice expired at the Council meeting of 22 October 2014 without being extended.

Deliberations of the Subcommittee

8. The Subcommittee in general supports the introduction of the requirement of mandatory attendance at pre-service course before issue of PLB driving licence. However, noting that the PLB trade is experiencing difficulties in its operation, the Subcommittee has studied ways to reduce the impact of the requirement on the trade's operation as well as measures to improve the operating environment of PLB trade.

Difficulties in recruiting PLB drivers

9. Members note that the PLB trade is experiencing difficulties in recruiting drivers. Some PLB routes have a 30% shortage of drivers required. However, amid difficult operating environment, the PLB operators can hardly offer higher pay to their drivers. Some members including Mr Frankie YICK consider that the pre-service course requirement raises the entry threshold and deters potential entrants from joining the trade. As such, it will further aggravate the existing recruitment difficulties and ageing problem of incumbent drivers. Mr YICK considers that if the Administration could change its manpower policy and allow the PLB trade to import drivers from outside Hong Kong, it could greatly help alleviate the shortage of drivers faced by the trade. He, however, understands that given the controversy involved, it is unlikely that such a change in policy could be implemented in the short term.

10. Regarding the difficulties in recruiting drivers by the PLB trade, the Administration has advised that the Transport Department ("TD") has liaised and coordinated with the Labour Department ("LD") for PLB operators to take part in the LD's job fairs, and make use of its Interactive Employment Service website to recruit full-time or part-time drivers for alleviating the problem of driver shortage. Separately, by providing information on Caring Employers of the Correctional Services Department and non-profit-making Government-funded supporting agencies for ethnic minorities, the TD encourages green minibus ("GMB") operators and red minibus ("RMB") associations to open up employment opportunities to rehabilitated persons and ethnic minorities and facilitate their recruitment of suitable PLB drivers. The TD will continue to strengthen the work in this aspect and support the trade on recruiting PLB drivers.

Operational difficulties of the PLB trade

11. Apart from the difficulties in recruiting drivers, members have studied operational difficulties encountered by the PLB trade such as restricted zones for RMBs and the measures undertaken by the Administration to alleviate the situation.

12. Members note that various measures have been taken by TD to assist the PLB trade, e.g. to improve the operating efficiency through reorganization of routes and frequency adjustments; to solicit local support to implement fare adjustments to improve the financial viability of the GMB services; to provide opportunities for introducing new GMB routes; and to relax restricted zones for RMBs to pick up/drop off passengers at locations where traffic situations warrant and with no objection from locals.

13. On relaxing RMB restricted zones, some members including Mr Gary FAN have sought for explanation for the difficulties which the Administration has encountered when proposing to District Councils or local communities to relax the restricted zones for passenger pick-up/drop-off.

14. According to the Administration, there are reservations from District Councillors and the locals from time to time about relaxation of RMB restricted zones during consultations conducted by the TD. They are worried that the increase in pick-up/drop-off passengers due to relaxation of restricted zones or conversion of restricted zones into RMB stands or passenger pick-up/drop-off points will obstruct pedestrian flow on pavements and results in congestion while additional vehicular flow will also affect the traffic. Besides, upon designation of new PLB stands or passenger pick-up/drop-off points, more frequent stopping activities will cause nuisance in terms of exhaust and noise emissions to residents and/or commercial tenants.

15. To improve the financial viability and operating environment of the PLB services, some members including Mr TANG Ka-piu have requested the Administration to consider measures such as increasing the passenger seating capacity of PLBs, including PLBs in the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities² ("the Fare Concession Scheme"), and assessing the impact of completion of the West Island Line ("WIL") and the South Island Line (East) ("SIL(E)") on the operation of PLBs.

² Under the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities, all the elderly persons aged 65 or above and eligible persons with disabilities can travel on the general Mass Transit Railway (MTR) lines, franchised buses and ferries anytime at a concessionary fare of \$2 a trip.

16. Regarding these suggestions, the Administration has advised that increasing the passenger seating capacity of PLBs is a controversial policy issue and requires careful consideration in the context of the overall passenger transport policy for the territory. According to the Administration, it has been working on a proposal to include PLBs in the Fare Concession Scheme for target implementation in the first quarter of 2015. Moreover, it has been an on-going practice of the Administration to conduct studies on the impact of new railway extensions on road-based transport including PLBs services in the districts served by these extensions. One of the objectives of these studies is to enable PLBs to function effectively as feeders, and WIL and SIL(E) have been covered in these studies. The Administration has undertaken to continue to listen to the views of the PLB trade regarding its operation.

Assistance for taking the pre-service course

17. Members note that the fee for pre-service course is capped at \$1,500. To alleviate the burden on attendees of the course, some members and the PLB trade have requested that subsidies be provided to the course attendees. In addition, the trade considers that the Administration should introduce a mechanism which allows employment of PLB drivers before they attend the course.

18. In terms of course fee, the Administration has advised that the pre-service course for PLB drivers has been included under Skills Upgrading Scheme Plus of the Employees Retraining Board ("ERB"). Those who attend the pre-service course conducted by training bodies designated by the ERB may be eligible for a full or 70% course fee waiver depending on their income.

19. Regarding the trade's suggestion to allow employment of new PLB drivers before they attend the course, the Administration has explained that the purpose of introducing the pre-service course for PLB drivers is to enhance PLB safety and service quality by improving the driving attitude of new PLB drivers and equipping them with basic knowledge and skills required for provision of PLB services prior to employment. As such, the trade's proposal cannot fulfill the purpose.

20. The Administration has further pointed out that the new legislation requires the attendance and completion of the pre-service course as a prerequisite for the issue of a full PLB driving licence. This requirement, similar to the requirement for an applicant to pass the driving test, will be one of the prerequisites for obtaining a full driving licence. Following the user-pay-principle, an applicant will be responsible for paying the fees for driving learning programmes, including instruction by private driving instructors or driving schools, and the pre-service course.

Date for implementing the requirement

21. As specified in the Notice, the implementation date of the pre-service course requirement is set as 1 June 2015. In the light of the operating difficulties encountered by the trade as described above, some members including Mr Frankie YICK and Mr Gary FAN have urged the Administration to consider postponing the implementation date.

22. The Administration advises that the host of measures under the Amendment Ordinance (including the pre-service course) were introduced in view of the public concern over the operational safety and service quality of PLB services. The pre-service course for PLB drivers is introduced to enhance PLB safety and service quality by improving the driving attitude of new PLB drivers and equipping them with basic knowledge and skills needed for provision of PLB services prior to employment. The Administration reiterates its stance to commence the pre-service course as soon as possible in view of the need to further enhance PLB safety. However, in view of the requests of members and the PLB trade, the Administration agrees to postpone the implementation by one year to 1 June 2016.

Amendments proposed by the Administration and member

23. The Administration has indicated that it will move a motion to amend the Notice in order to postpone the implementation date of the pre-service course requirement by one year (as discussed in paragraph 22 above) by changing the date on which Part 4 of the Amendment Ordinance comes into operation from 1 June 2015 to 1 June 2016. Members except Mr Gary FAN raise no objection to the new commencement date. Mr FAN has indicated that he will propose an amendment with a view to deferring the abovementioned implementation date by two years to 1 June 2017. However, as mentioned in paragraph 7 above, the period for amending the Notice expired at the Council meeting of 22 October 2014 without being extended. As such, it is technically

not feasible for the Administration or any Member to amend the Notice. Consequently, the date for Part 4 of the Amendment Ordinance to come into operation remains 1 June 2015.

Advice sought

24. Members are invited to note the deliberations of the Subcommittee as set out above.

Council Business Division 1
Legislative Council Secretariat
30 October 2014

**Subcommittee on Road Traffic (Amendment) Ordinance 2012
(Commencement) Notice**

Membership list

Chairman Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Members Hon Frankie YICK Chi-ming
Hon Gary FAN Kwok-wai
Dr Hon KWOK Ka-ki
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP

(Total : 6 members)

Clerk Mr Derek LO

Legal Adviser Ms Clara TAM

**Subcommittee on Road Traffic (Amendment) Ordinance 2012
(Commencement) Notice**

**List of organizations and individuals who have given views to
the Subcommittee**

1. Aberdeen Maxicab Service Co. Ltd.
2. Asia Brighter Ltd.
3. Central Venture Limited
4. Cheung Wong Maxicab Routes Co. Limited
5. Choi Kee (Mong Kok) Maxicab Route PLB Limited
6. Choi Kee (Yuen Long) Maxicab Route PLB Limited
7. City Joy Investment Ltd.
8. Eternal Loyal Ltd.
9. Extra Billion Investment Ltd.
10. G.M.B. Maxicab Operators General Association Limited
11. Holy Gain Ltd.
12. Honest Profit Corporation Limited
13. Hong Kong Public Light Bus Owner and Driver Association
14. Hong Kong Scheduled (GMB) Licensee Association
15. Hop Fat Light Bus Co. Ltd.
16. Hop Wo Investment Co. Ltd.
17. Kam Jet Ltd.
18. Leslie Chan Community Services Office
19. Main River Transportation Ltd.
20. Motor Transport Workers General Union Public Light Bus
Branch
21. Mr YEUNG Wai-sing, Eastern District Council Member
22. Public Light Bus General Association
23. Shine Wah Services Ltd.
24. Sun Cheong Transportation HK Co. Ltd.
25. Win Access International Limited
26. Wyman Development Ltd.
27. Yau Man Investment Ltd.
28. Yuk Tin Limited