

政府總部
運輸及房屋局

運輸科

香港添馬添美道 2 號
政府總部東翼



CB(4)677/16-17(01)
**Transport and
Housing Bureau
Government Secretariat**

Transport Branch

East Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

本局檔號 Our Ref. THB(T)CR 1/1136/2015

電話 Tel. No.: 3509 7150

來函檔號 Your Ref. CB4/PL/TP

傳真 Fax No.: 3912 4817

By Fax: 2840 0269

10 March 2017

Panel on Transport
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Doris LO)

Dear Ms LO,

**Motion on “Increasing the Seating Capacity of Light Buses”
passed by the Panel on Transport at the meeting on 16 December 2016**

Thank you for your letter of 20 December 2016 to the Secretary for Transport and Housing on the captioned motions passed at the meeting of Panel on Transport on 16 December 2016. Our response is set out below.

As we have explained at the Panel meeting on 16 December 2016, in considering the exact number of seats to be added, the Government’s main considerations are the supply and demand for green minibuses (“GMBs”) and the need to maintain the delicate balance amongst various public transport services. Our policy considerations will not be based on a particular type or model of vehicle. Findings of the consultancy study suggest that increasing the maximum seating capacity of GMBs to 19 seats will significantly reduce the number of GMB routes with left-behind passengers at termini and the ratio of GMB routes with waiting time of over 10 minutes during the peakiest one hour. We propose the same seat increase should apply to red minibuses (“RMBs”) for the same reason. In considering the issue of increasing seating capacity of public light buses (“PLBs”), we also need to take into account the impact on overall public transport services with a view to maintaining the delicate balance and roles amongst various public transport services so that they can continue to

develop in a sustainable manner and provide diversified modal choices to benefit the community. Having regard to the above-mentioned considerations, increasing the maximum seating capacity of PLBs to 19 seats is considered more appropriate.

The Transport Department (“TD”) has all along been concerned about the protection of PLB passengers’ safety. Since 1 August 2004, the law has required that all newly registered PLBs must be fitted with high back passenger seats and passenger seat belts. Passengers must wear seat belts on PLBs fitted with seat belts and may be subject to fine and imprisonment if otherwise. Apart from police enforcement, TD, in conjunction with the Road Safety Council, also reminds PLB passengers to wear seat belts to ensure their safety through publicity and education.

As regards the proposal that all newly registered GMBs must be equipped with seat belt sensors which will emit sound, similar devices at present are mainly installed in private cars by manufacturers. According to the major PLB suppliers in Hong Kong, the installation of such safety devices in existing PLBs will involve issues such as modification of vehicle design as well as changes to the terms and conditions of vehicle maintenance. Hence, further study is required. In fact, major PLB suppliers (including Japanese and European suppliers) do not have PLB models with such devices. Besides, TD also needs to explore with the trade on the implications brought by such installation on the financial position and daily operation of PLB operators, for instance, whether a PLB should cease providing service immediately when individual sensors are out of order. TD will continue to follow up with the vehicle suppliers and the trade to explore the feasibility of installing the sensors on PLBs.

Also, TD has all along been concerned about the remuneration arrangement of PLB drivers to ensure the provision of effective service. In this regard, TD holds trade conferences with PLB operators on a regular basis to discuss matters including working hours. Besides, if GMB drivers have any views on their working arrangements, TD will also assist them in reflecting such views to the operators. As for the employment terms of drivers, we have to point out that a GMB operator must have an employer-employee relationship with its drivers according to the Passenger Service Licence (“PSL”) issued under the Road Traffic Ordinance (Cap 374). The employment arrangements between an operator and its drivers must also comply with the Employment Ordinance (Cap 57) and other relevant legal requirements (including those concerning rest days and holidays). Specific employment terms (such as actual wages and working hours) are agreed between the employer and the employees. Same as

other sectors, an operator has the flexibility to set reasonable salary arrangement for drivers according to its operating conditions. Changes to these market arrangements through mandatory means must be carefully considered. According to TD's statistics, for over 80 per cent of routes, drivers are currently employed on the basis of basic salary or basic salary plus fix-rate allowance, while the rest are employed on the basis of basic salary plus revenue sharing or solely revenue sharing. A small number of operators also provide their drivers with meal allowance, safety bonus, overtime allowance and/or holiday allowance.

As for the issue that some drivers are required to pay "insurance excess", according to TD's understanding from the trade, the nature of such payment is similar to security deposit, which is an indemnity arrangement to be agreed between PLB companies/owners and drivers in respect of the vehicle facilities and properties. According to our understanding, in view of the modus operandi of PLBs, the purpose of such payment is to balance the rights and responsibilities between PLB companies/owners and drivers (including the repair expenses arising from driving problems/fines arising from breach of traffic rules/insurance claims, etc.). According to the Employment Ordinance, except under specified circumstance (for instance, the equivalent value of the damage to or loss of goods, equipment or property of the employer due to neglect or default can be deducted but not exceeding \$300 in each case), the employer cannot deduct wages of the employees. It is learnt that such an amount of security deposit is not deducted from the wages of drivers. However, if individual GMB drivers suspect that GMB companies/owners have contravened the Employment Ordinance in respect of "insurance excess", they may provide information to TD to facilitate referral and TD will follow up with the Labour Department. As regards drivers' working hours, TD is now discussing with the trade to amend the "Guidelines on Working Hours of GMB Drivers" in order to further enhance the rest and meal break arrangements for drivers. TD will issue the amended Guidelines to the trade as soon as practicable and require all operators to comply with it when reaching consensus with the trade.

Yours sincerely,

(Angus WAT)
for Secretary for Transport and Housing

c.c. Commissioner for Transport

(Attn: Miss Janet HO)