

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



LC Paper No. CB(4)1652/16-17(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)L 1/17/106(17)
來函檔號 YOUR REF.: CB4/PL/TP

電話 Tel. No.: 3509 8155
傳真 Fax No.: 2104 7274

9 October 2017

Ms Sophie Lau
Clerk to Legislative Council Panel on Transport
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

[Fax No.: 2840 0716]

Dear Ms Lau,

Fatal traffic accident involving a franchised bus in Sham Shui Po on 22 September and the arrangements for working hours and rest time of franchised bus captains

Thank you for the letter from the Secretariat of 28 September 2017, enclosing the views of Hon Kwok Ka-ki and Hon Lau Kwok-fan on the arrangements for working hours and rest time of franchised bus captains. Our reply is set out below.

A fatal traffic accident involving a franchised bus of Citybus Limited happened at the junction of Cheung Sha Wan Road and Yen Chow Street in Sham Shui Po in the evening of 22 September. The franchised bus concerned operated on Citybus Route No. E21A travelling from Tung Chung (Yat Tung) to Oi Man Estate. The traffic accident resulted in 3 fatalities and 30 injuries, while investigation by the Police is in progress.

The Government attaches great importance to the safety of franchised bus operation and is deeply saddened by the accident. Since the accident, the arrangements in respect of the rest time and working hours of bus captains have attracted public concerns. On this, franchised bus companies shall ensure that the duty rosters of bus captains are in compliance with the *Guidelines on Bus*

Captain Working Hours, Rest Times and Meal Breaks (hereinafter referred to as "the Guidelines") (see Annex) promulgated by the Transport Department ("TD").

As a requirement by TD, franchised bus companies must comply with the Guidelines when arranging duty rosters for their bus captains and submit reports on the implementation of the Guidelines to TD quarterly. TD also engages independent contractors to carry out annual field surveys on the working hours, rest time and meal breaks of bus captains so as to assess the level of compliance with the Guidelines by the franchised bus companies in the actual working environment. As long as the Guidelines are fulfilled, the specific employment arrangements for bus captains (including working hours, salaries and allowances, duty rosters, etc.) are subject to agreement between the management and staff. In fact, as responsible enterprises, franchised bus companies should ensure not only the safety of bus operation, but also the occupational safety and health of their bus captains as well as their work-life balance.

The Guidelines are subject to review by TD in conjunction with franchised bus operators and representatives of staff unions for bus captains from time to time. The current version of the Guidelines was promulgated for implementation in mid-2010 after a review and consultation with the Panel on Transport of the Legislative Council, while TD has continued to communicate with the stakeholders and listened to the views from various parties since then. To proactively address the public concerns and doubts on the matter, the Government is conducting a thorough review of the contents of the Guidelines. TD is arranging meetings with staff unions for bus captains and franchised bus companies to listen to their views and concerns on the review on the existing Guidelines. In the course of the review, the Government will take into account the views and concerns of various stakeholders, with specific attention to the following aspects –

- (1) the operational safety and service reliability of franchised buses;
- (2) the driving safety and healthy lifestyle of franchised bus captains, especially in terms of balance between working hours and rest time as well as avoiding long hours of driving duties for a prolonged period by bus captains;
- (3) the flexibility of franchised bus operators in their daily operations (such as staff deployment and vehicle allocation) for meeting passenger demand during different periods of the day;
- (4) the views of the franchised bus sector and staff unions for bus captains on revising the Guidelines;

- (5) the implications of revising the Guidelines to the overall operating status of the franchised bus sector; and
- (6) if revising the Guidelines will necessitate the employment of additional staff by franchised bus operators for sustaining their existing services, consideration will be given to how to implement the revision as soon as practicable, while affording franchised bus companies appropriate buffer for making transitional arrangements (such as recruitment and training of bus captains, re-arranging the allocation of buses and re-arranging duty rosters).

We have arranged to meet with the franchised bus companies and staff unions within this month for commencing the review exercise. We will strive to achieve fruitful outcome at the soonest and brief the public on the details by then. In the meantime, the Government hopes that the franchised bus companies can enhance the duty rosters and the arrangements on working hours and rest time of bus captains, bearing in mind that the well-being of passengers should always come first. Once again, we would also appeal to all professional drivers to give due regard to road safety and to drive safely.

Yours sincerely,



(Louis Leung)

for Secretary for Transport and Housing

c.c.: Commissioner for Transport (Attn.: Miss Rachel Kwan)

Annex

Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks
(Revised in October 2010)

- Guideline A** – Bus captains should have a rest time of at least 30 minutes after 6 hours of duty and within that 6-hour duty, they should have rest times totalling 20 minutes of which no less than 12 minutes should be within the first 4 hours of duty. The time bus captains spend at a terminal point preparing for the next departure and monitoring boarding of passengers should not be regarded as rest time.

- Guideline B** – Maximum duty (including all rest times) in a working day should not exceed 14 hours.

- Guideline C** – Driving duty (i.e. maximum duty less all rest times each of 30 minutes or more) in a working day should not exceed 11 hours.

- Guideline D** – The break between successive working days should not be less than 10 hours.

- Guideline E** – Bus captains working for a duty of not less than 8 hours in a working day should have a meal break. Bus companies should complete the improvement of meal breaks to no less than 45 minutes by the third quarter of 2011, and further improvement to no less than 1 hour in 1 year thereafter.