

立法會
Legislative Council

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Panel on Transport
Special meeting on 15 February 2018

Background brief on safety of franchised bus operation

Purpose

This paper provides background information on safety of franchised bus operation. It also summarizes the major views and concerns expressed by Legislative Council Members on the subject.

Background

Franchised buses

2. Franchised buses are the largest road-based carriers serving areas without direct railway access as well as providing feeder service connecting the railway network and inter-district service. As at end-2016, the six franchises under five franchised bus operators operate around 580 bus routes with a total of about 5 800 buses in their fleet.¹ They offer around 74 000 trips to serve nearly 4.1 million passengers trips per day.² Currently, franchised buses account for around 33% of the public transport patronage.

3. In 2016, the total number of franchised buses which involved in accidents was 2 269, which accounted for about 9.7% of all motor vehicles. The figures of motor vehicle involvements by class of motor vehicle, including franchised bus, in accidents for 2007 to 2016 are tabulated in **Appendix I**.

¹ The five franchised bus operators include The Kowloon Motor Bus Company (1933) Limited ("KMB"), Citybus Limited ("CTB"), New World First Bus Services Limited ("NWFB"), Long Win Bus Company Limited ("LW") and New Lantao Bus Company (1973) Limited ("NLB"). CTB operates two franchises, one for Hong Kong Island and Cross-Harbour Bus Network and another for Airport and North Lantao Bus Network.

² Franchised buses include KMB, CTB, NWFB, LW and NLB. The MTR bus service serving Northwest New Territories is also included.

Legislative requirements and relevant guidelines to ensure safety of franchised bus operation

4. The Transport Department ("TD") monitors the operation of franchised bus services and maintenance of the buses in accordance with the Public Bus Services Ordinance (Cap. 230), the Road Traffic Ordinance (Cap. 374), and their Regulations. They include various requirements to ensure the operational safety, the safety standard and roadworthiness of in-service franchised buses, as well as to ensure that the captains are medically fit for driving buses.

5. To ensure that bus captains have sufficient rest time, TD has promulgated the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks ("the Guidelines") for franchised bus companies to take into account when arranging duty schedules for full-time and part-time bus captains. The Guidelines were last reviewed and revised in October 2010, the details of which are set out in **Appendix II**.

Major views and concerns of Members

6. The Panel on Transport ("the Panel") has all along been actively following up issues relating to safety of franchised bus operation. Council questions on relevant matters were also raised. The major views and concerns of Members are summarized in the ensuing paragraphs.

Driving safety of franchised buses

Working and rest time arrangements for bus captains

7. When discussing the duty arrangements for bus captains and implications on bus safety at the Panel meeting on 29 October 2004, some members considered that a maximum duty length of 14 hours and driving duty of 11 hours, as allowed under the Guidelines, were too demanding. The Panel therefore passed a motion, urging the Administration to consider revising the Guidelines and reducing the above maximum duty and driving duty to 10 and eight hours respectively. Although members reiterated the need to reduce the maximum working and driving hours as specified in the Guidelines, these were kept when the Administration revised the Guidelines in October 2010 (see Appendix II).

8. During the discussion of a serious traffic accident involving two buses and a taxi at the Panel meeting on 27 November 2012, the majority of members

was dissatisfied with the Guidelines and urged the Administration to review them expeditiously. They considered that some of the arrangements were very undesirable, such as the prolonged working hours of bus captains and the insufficient rest time for them. At the Panel meeting on 15 January 2016, there was a concern about the proportion of bus captains who needed to perform two separate duty shifts per day and those who needed to perform one duty shift per day; and the proportion of bus captains who needed to perform night duty shift on one day and morning duty shift the next day.

9. After the fatal traffic accident involving a franchised bus in Sham Shui Po on 22 September 2017, members of the Panel expressed grave concern about the rest time and working hours of bus captains again. In response, the Administration explained in October 2017 that as a requirement by TD, franchised bus companies should 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 engaged 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.

10. Further, the Administration also advised that the current version of the Guidelines were promulgated for implementation in 2010 after a review and consultation with the Panel, while TD had 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 Administration was conducting a thorough review of the contents of the Guidelines. TD was 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.

Health check arrangements for bus captains/professional drivers

11. At the Council meetings of 23 February 2011 and 26 April 2017, Members raised questions about the measures implemented by the Administration to safeguard the health of professional drivers. Further, at the Panel meetings on 27 November 2012 and 20 January 2017, some members expressed concern about health problems and fatigue of bus captains that had led to some traffic accidents. Therefore, they considered that all franchised bus operators should review the health check requirements for bus captains, and the working hours and rest time of both full-time and part-time bus captains. There was also a suggestion that the Administration should consider subsidizing the fees for medical check-up taken by professional drivers.

12. The Administration advised that franchised bus operators had devised clear requirements on the age and physical health of bus captains. On the age requirement, the retirement age for bus captains is 60 or 65. Depending on their manpower needs, some operators would flexibly extend the employment period of their bus captains on a contract basis up to the age limit of 66 or 67. Franchised bus operators had also put in place a requirement for bus captains to undergo health checks before joining the service, and formulated detailed arrangements for serving bus captains of different ages to undergo annual health checks having regard to their health conditions.

Employment of part-time bus captains and driving safety

13. At the Council meeting of 29 April 2015, a Member indicated that some bus drivers had relayed that franchised bus operators from time to time arranged their bus drivers to carry out duties as "relief drivers" so as to save expenditure on drivers' overtime pay. Hence, he asked whether the Administration had looked into the prevalence of such arrangement and its impact on the rest time of bus drivers and road safety. Further, members of the Panel at the meeting on 24 February 2017 passed a motion urging, inter alia, franchised bus operators to improve the working environment and remuneration of bus drivers, such as by changing the practice of offering part-time employment to drivers, in order to further ensure safe operation of buses.

14. In this regard, the Administration explained that a franchised bus operator had the responsibility to employ sufficient qualified bus captains so as to operate bus services in accordance with the routing, timetable, frequency and bus allocation as stipulated in the Schedule of Service approved by TD. Apart from employing regular bus captains, franchised bus operators would employ part-time bus captains to meet the needs of daily manpower deployment and additional passenger demand on some specific dates and hours. The Administration pointed out that the employment of part-time bus captains was not for reducing expenditures on regular drivers' overtime payment, but in fact could help reduce the need for regular bus captains to work overtime and could give them sufficient rest time, thereby enhancing driving safety.

Structural safety of franchised buses

Design and construction of franchised buses

15. The design and construction of franchised bus was one of the major concerns of the Panel because, in a number of bus accidents, the tops of the buses concerned were torn off, indicating the need for stronger bus body to provide greater protection to passengers. The Administration assured members

of the Panel that the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) had stipulated the requirement for the design and construction of franchised bus. All double-deck buses operating in Hong Kong were imported from Europe and could comply with the European requirements. The major bus manufacturers had also confirmed that the body structure of franchised buses in Hong Kong was the same as those supplied to other countries such as the United Kingdom, the United States and Singapore.

16. As a result of a spate of franchised bus incidents which involved broken windscreen and passengers being thrown away from the upper saloon of a bus after collision with another vehicle, the Panel discussed the measures to prevent the recurrence of similar incidents, including the selection of better materials for windscreen and passenger windows on buses. The Administration reported in March 2007 that it had agreed with franchised bus companies to apply a transparent protective film onto the upper deck toughened glass windscreens of all existing buses, which would effectively contain the shattered glass fragments in the event of an accident, or to replace them with laminated glass.

Installation and wearing of seat belts on franchised buses

17. In view of a number of bus accidents that occurred during 2006 and 2007 which involved passengers being thrown out from the window, the Panel strongly urged the Administration to seriously consider the proposal to introduce mandatory requirements for installation and wearing of passenger seat belts on franchised buses to enhance bus safety. A motion was passed in March 2007 in this regard. Given another serious traffic accident happened in 2009, a Member raised a Council question, enquiring whether the Administration would reconsider requiring seat belts be retrofitted to all seats of franchised buses by amending the law or when signing the franchise agreements with franchised bus companies in future, so as to safeguard passenger safety.

18. The Administration explained in November 2009 that according to the findings of studies carried out by TD, bus operators and bus manufacturers, it was technically infeasible to retrofit pre-1997 design buses with seat belts, but the bus operators had agreed to and already retrofitted additional horizontal guard rail across the upper deck windscreen. For buses designed after 1997, it was feasible to retrofit seat belts at the exposed seats at the front row on the upper deck. The bus operators completed the above retrofitting work in 2008. In addition, all exposed seats of new double-deck buses purchased after 2003 had been installed with seat belts to enhance protection for passengers.

Safety of glass panes of the doors on franchised buses

19. A member of the Panel raised concern about the two incidents occurred in February 2016 involving shattered glass panes of the doors of franchised buses. In this regard, the Administration explained that the Specification of Safety Glass Notice (Cap. 374H) stipulated that the glass used in a motor vehicle, including a bus, should be glass that met the relevant requirements of Economic Commission of Europe Regulation (ECE 43). In view of the above incidents, TD and franchised bus companies had implemented measures to further safeguard the safety of passengers, such as setting up of a working group by TD with representatives from franchised bus operators and bus manufacturers to review the safety of bus doors; enhancing training for bus captains; and reminding passengers to hold handrail when taking the bus.

Latest development

20. On 10 February 2018, a serious traffic accident involving a franchised bus occurred in Tai Po, resulting in a total of 19 fatalities and 65 injuries.³ At about 6:15 pm, a bus driven by a 30-year-old man was travelling along Tai Po Road — Tai Po Kau towards Tai Po. When approaching near Tai Po Mei, the bus reportedly lost control and side-turned. The bus driver was arrested for dangerous driving causing death and dangerous driving causing grievous bodily harm. The Chief Executive has decided to set up an independent review committee to look into the incident as well as various aspects of Hong Kong's franchised bus service.

21. The Administration plans to brief members on issues relating to the serious traffic accident as mentioned in paragraph 20 at the Panel meeting to be held on 15 February 2018.

Relevant papers

22. A list of relevant papers is in **Appendix III**.

Council Business Division 4
Legislative Council Secretariat
14 February 2018

³ Source: The Administration's press releases on "Fatal traffic accident in Tai Po" issued on 11 February 2018.

Motor vehicle involvements by class of motor vehicle in accidents from 2007 to 2016

Class of motor vehicle	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Franchised bus	2 201	2 047	1 916	1 983	2 143	2 217	2 344	2 350	2 279	2 269
Non-franchised bus	448	416	406	459	486	476	503	500	483	453
Motor cycle	2 927	2 613	2 556	2 428	2 328	2 245	2 222	2 281	2 328	2 355
Private car	6 450	5 927	6 085	6 255	6 591	6 859	7 093	7 224	7 757	8 207
Public light bus	1 173	1 080	1 110	1 146	1 142	1 067	1 128	1 085	1 105	1 080
Light goods vehicle	2 952	2 806	2 527	2 726	2 689	2 637	2 706	2 621	2 708	2 947
Medium & heavy goods vehicle	1 081	1 045	907	1 031	1 141	1 105	1 085	1 125	1 063	1 167
Taxi	4 004	3 926	3 801	4 053	4 259	4 240	4 395	4 211	4 332	4 493
Others*	281	272	300	326	299	329	357	332	306	320
All motor vehicles	21 517	20 132	19 608	20 407	21 078	21 175	21 833	21 729	22 361	23 291

Source: The Transport Department's website (http://www.td.gov.hk/mini_site/atd/2017/en/section7_2.html)

* Including other motor vehicles such as tram, private light bus, private bus, etc., but excluding bicycles, handcarts and vehicles with unknown vehicle type.

**Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks
issued by the Transport Department**

(Revised in October 2010)

- Guideline A** — Bus captains should have a rest time of at least 30 minutes after six hours of duty and within that six-hour duty, they should have rest times totalling 20 minutes of which no less than 12 minutes should be within the first four 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 eight 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 one hour in one year thereafter.

Source: Annex to LC Paper No. CB(4)1652/16-17(01)

Safety of franchised bus operation

List of relevant papers

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
24.10.2006	Panel on Transport	Administration's paper on safety of franchised bus operations	CB(1)110/06-07(03) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp1024cb1-110-3-e.pdf
		Minutes of meeting	CB(1)294/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp061024.pdf
28.2.2007	Council meeting	Hon LI Fung-ying raised a question on incidents involving broken window glasses of franchised buses	http://www.info.gov.hk/gia/general/200702/28/P200702280138.htm
2.3.2007	Panel on Transport	Administration's paper on progress on measures to enhance safety of franchised bus operation	CB(1)783/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0126cb1-783-1-e.pdf
		Minutes of meeting	CB(1)1147/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp070302.pdf
23.3.2007	Panel on Transport	Administration's paper on progress on measures to enhance safety of franchised bus operation	CB(1)1149/06-07(03) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0323cb1-1149-3-e.pdf
		Minutes of meeting	CB(1)1407/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp070323.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
9.7.2007	Panel on Transport	Administration's paper on progress on measures to enhance safety of franchised bus operation	CB(1)2023/06-07(03) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0709cb1-2023-3-e.pdf
		Minutes of meeting	CB(1)2408/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp070709.pdf
16.1.2008	Council meeting	Hon Albert Jinghan CHENG raised a question on structural safety of franchised buses	http://www.info.gov.hk/gia/general/200801/16/P200801160165.htm
28.1.2008	Panel on Transport	Administration's paper on safety of franchised bus operation	CB(1)639/07-08(03) http://www.legco.gov.hk/yr07-08/english/panels/tp/papers/tp0128cb1-639-3-e.pdf
		Paper on whether passengers are allowed to stand on buses operating on expressways in selected overseas places prepared by the Legislative Council Secretariat	IN12/07-08 http://www.legco.gov.hk/yr07-08/english/sec/library/0708in12-e.pdf
		Minutes of meeting	CB(1)838/07-08 http://www.legco.gov.hk/yr07-08/english/panels/tp/minutes/tp080128.pdf
22.2.2008	Panel on Transport	Administration's paper on safety of franchised bus operation	CB(1)639/07-08(03) http://www.legco.gov.hk/yr07-08/english/panels/tp/papers/tp0128cb1-639-3-e.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
		Minutes of meeting	CB(1)1123/07-08 http://www.legco.gov.hk/yr07-08/english/panels/tp/minutes/tp080222.pdf
7.1.2009	Council meeting	Hon Miriam LAU Kin-yea raised a question on accidents of buses catching fire and bus maintenance	http://www.info.gov.hk/gia/general/200901/07/P200901070107.htm
18.3.2009	Council meeting	Hon CHEUNG Hok-ming raised a question on design of road facilities to ensure road safety	http://www.info.gov.hk/gia/general/200903/18/P200903180251.htm
25.11.2009	Council meeting	Hon Andrew CHENG Kar-foo raised a question on safety of franchised buses	http://www.info.gov.hk/gia/general/200911/25/P200911250138.htm
27.11.2009	Panel on Transport	Administration's paper on bus accident in Tseung Kwan O and safety of franchised bus operation	CB(1)430/09-10(06) http://www.legco.gov.hk/yr09-10/english/panels/tp/papers/tp1127cb1-430-6-e.pdf
		Minutes of meeting	CB(1)1188/09-10 http://www.legco.gov.hk/yr09-10/english/panels/tp/minutes/tp20091127.pdf
17.3.2010	Council meeting	Hon CHEUNG Hok-ming raised a question on health conditions of drivers and road safety	http://www.info.gov.hk/gia/general/201003/17/P201003170161.htm

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
28.6.2010	Panel on Transport	Administration's paper on working hour and rest time arrangements of franchised bus captains	CB(1)2316/09-10(03) http://www.legco.gov.hk/yr09-10/english/panels/tp/papers/tp0628cb1-2316-3-e.pdf
		Minutes of meeting	CB(1)105/10-11 http://www.legco.gov.hk/yr09-10/english/panels/tp/minutes/tp20100628.pdf
23.2.2011	Council meeting	Hon WONG Sing-chi raised a question on drivers' driving behaviour, health problems and working and rest time arrangements	http://www.info.gov.hk/gia/general/201102/23/P201102230104.htm
27.11.2012	Panel on Transport	Administration's paper on the serious traffic accident in Chai Wan on 19 November 2012	CB(1)205/12-13(01) http://www.legco.gov.hk/yr12-13/english/panels/tp/papers/tp1127cb1-205-1-e.pdf
		Administration's paper on occupational safety and health of professional drivers	CB(1)223/12-13(01) http://www.legco.gov.hk/yr12-13/english/panels/tp/papers/tp1127cb1-223-1-e.pdf
		Minutes of meeting	CB(1)1641/12-13 http://www.legco.gov.hk/yr12-13/english/panels/tp/minutes/tp20121127.pdf
29.4.2015	Council meeting	Dr Hon KWOK Ka-ki raised a question on driving safety of New Lantao Bus	http://www.info.gov.hk/gia/general/201504/29/P201504280671.htm

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
--	Panel on Transport	Letter dated 17 February 2016 from Hon TANG Ka-piu on the safety of glass doors of franchised buses	CB(4)624/15-16(01) http://www.legco.gov.hk/yr15-16/chinese/panels/tp/papers/tpc_b4-624-1-c.pdf
		Administration's response	CB(4)730/15-16(01) http://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tpc_b4-730-1-e.pdf
--	Panel on Transport	Letter dated 18 March 2016 from Hon Gary FAN Kwok-wai on the concern of the impact of employing a large pool of part-time bus drivers by The Kowloon Motor Bus Company. (1933) Limited	CB(4)779/15-16(01) https://www.legco.gov.hk/yr15-16/chinese/panels/tp/papers/tpc_b4-779-1-c.pdf
		Administration's response	CB(4)1015/15-16(01) https://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tpc_b4-1015-1-e.pdf
29.6.2016	Council meeting	Hon Frankie YICK Chi-ming raised a question on manpower in transport industry	http://www.info.gov.hk/gia/general/201606/29/P201606290525.htm

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
20.1.2017 & 24.2.2017	Panel on Transport	Motion proposed under the agenda item of "New franchise for the bus network of The Kowloon Motor Bus Company (1933) Limited " at the meeting on 20 January 2017 and passed at the meeting on 24 February 2017	CB(4)629/16-17(03) http://www.legco.gov.hk/yr16-17/chinese/panels/tp/papers/tp20170224cb4-629-3-ec.pdf
		Administration's response to the motion	CB(4)699/16-17(01) http://www.legco.gov.hk/yr16-17/english/panels/tp/papers/tp20170224cb4-699-1-e.pdf
12.7.2017	Council meeting	Hon CHAN Han-pan raised a question on maintenance and repair of franchised buses	http://www.info.gov.hk/gia/general/201707/12/P2017071200371.htm
23.9.2017	--	Administration's press release on fatal traffic accident in Sham Shui Po	http://www.info.gov.hk/gia/general/201709/23/P2017092300027.htm
--	Panel on Transport	Letter dated 25 September 2017 from Dr Hon KWOK Ka-ki on issues relating to the serious traffic accident in Sham Shui Po involving a franchised bus on 22 September 2017	CB(4)1624/16-17(01) http://www.legco.gov.hk/yr16-17/chinese/panels/tp/papers/tpcb4-1624-1-c.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
		Letter dated 26 September 2017 from Hon LAU Kwok-fan on issues relating to the serious traffic accident in Sham Shui Po involving a franchised bus on 22 September 2017	CB(4)1624/16-17(02) http://www.legco.gov.hk/yr16-17/chinese/panels/tp/papers/tpc_b4-1624-2-c.pdf
		Administration's response	CB(4)1652/16-17(01) http://www.legco.gov.hk/yr16-17/english/panels/tp/papers/tpc_b4-1652-1-e.pdf
25.10.2017	Council meeting	Dr Hon CHIANG Lai-wan raised a question on bus captains' rest time, working hours and rest facilities	http://www.info.gov.hk/gia/general/201710/25/P2017102500474.htm
		Hon POON Siu-ping raised a question on working hours and remuneration of bus captains	http://www.info.gov.hk/gia/general/201710/25/P2017102400712.htm
11.2.2018	--	Administration's press release on fatal traffic accident in Tai Po	http://www.info.gov.hk/gia/general/201802/11/P2018021100157.htm