

立法會
Legislative Council

LC Paper No. CB(4)1031/18-19
*(These minutes have been seen
by the Administration)*

Ref : CB4/PL/TP/1

Panel on Transport

**Minutes of meeting held on
Friday, 18 January 2019, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Jeremy TAM Man-ho (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN

Hon LUK Chung-hung, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon Gary FAN Kwok-wai
Hon AU Nok-hin

Members attending : Hon Elizabeth QUAT, BBS, JP
Hon Kwong Chun-yu

Members absent : Hon CHAN Han-pan, BBS, JP (Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Tony TSE Wai-chuen, BBS

Public officers attending : **Agenda item III**

Mr Frank CHAN, JP
Secretary for Transport and Housing

Ms Mable CHAN
Commissioner for Transport

Mr Kevin CHOI, JP
Deputy Secretary for Transport and Housing (Transport) 2

Ms Macella LEE
Deputy Commissioner for Transport/
Transport Services and Management

Miss Crystal YIP
Principal Assistant Secretary for Transport and Housing
(Transport)1

Mr Patrick WONG
Assistant Commissioner for Transport/
Bus and Railway

Mr Tony YAU
Acting Assistant Commissioner for Transport/ Technical
Services

Mr William SHUM
Chief Electrical and Mechanical Engineer/ Vehicle Safety
and Standards

Agenda item IV

Dr Raymond SO, BBS, JP
Under Secretary for Transport and Housing

Ms Ivy LAW, JP
Deputy Secretary for Transport and Housing
(Transport)³

Mr Michael LEUNG, JP
Project Manager (E)
Civil Engineering and Development Department

Mr Sunny LO
Chief Engineer / E1
Civil Engineering and Development Department

Ms Stella LEE
Assistant Commissioner / Management and Paratransit
Transport Department

Ms Candy KWOK
Principal Transport Officer / Management
Transport Department

Mr Ricky HO
Chief Engineer / Smart Mobility
Transport Department

Mr Kelvin SIU
Chief Engineer / Major Projects
Transport Department

Ms Jenny CHEUNG
Chief Executive Officer / Special Duties
Transport Department

Clerk in attendance: Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Ms Angela CHU
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Mandy LAM
Legislative Assistant (4)2

I. Information paper(s) issued since the last meeting

- | | |
|---------------------------------|--|
| LC Paper No. CB(4)333/18-19(01) | - Administration's response to letters from Hon Jeremy TAM and Dr Hon KWOK Ka-ki requesting the Administration to review the transport arrangements related to Hong Kong-Zhuhai-Macao Bridge |
| LC Paper No. CB(4)350/18-19(01) | - Submission from the Chair of Transportation Engineering and Principal Lecturer in Economics of The University of Hong Kong relating to toll rationalization scheme of the three road harbour crossings |

- LC Paper No. CB(4)352/18-19(01) - Administration's information paper on Tolls of Tai Lam Tunnel and Yuen Long Approach Road
- LC Paper No. CB(4)352/18-19(02) - Letter from Route 3 (CPS) Company Limited dated 24 December 2018
- LC Paper No. CB(4)369/18-19(01) - Administration's response to two motions passed under the agenda item on "Rationalisation of traffic distribution among three road harbour crossings and three land tunnels between Kowloon and Sha Tin and other tunnel-related proposals"
- LC Paper No. CB(4)1555/17-18(01) - Administration's response to the seven motions passed under the agenda item on "Progress of implementation of measures under Public Transport Strategy Study"
- LC Paper No. CB(4)383/18-19(01) - Administration's response on "Rationalisation of traffic distribution among three road harbour crossings and three land tunnels between Kowloon and Sha Tin and other tunnel-related proposals"
- LC Paper No. CB(4)391/18-19(01) - Central - Wan Chai Bypass and Island Eastern Corridor Link Driving Guide provided by the Administration

Members noted the above papers issued since the last meeting.

Deputy Chairman acted as Chairman of the meeting

2. The Deputy Chairman took the chair of the meeting in the absence of the Chairman.

Proposed item for discussion

3. Ms Tanya CHAN said that she had written to the Chairman on 11 January 2019 expressing her views on the construction quality of the Central-Wanchai Bypass. Ms CHAN proposed to discuss the matter at a future meeting. The Deputy Chairman said that he would relay Ms CHAN's views to the Chairman for his consideration.

II. Items for discussion at the next meeting

LC Paper No. CB(4)405/18-19(01) - List of outstanding items
for discussion

LC Paper No. CB(4)405/18-19(02) - List of follow-up actions

4. Members agreed to discuss the following items at the next regular meeting to be held on 15 February 2019:

- (a) Review of penalty level for illegal carriage of passengers for hire or reward; and
- (b) Fare increase applications by Kowloon Motor Bus Company (1933) Limited and Long Win Bus Company Limited

(Post-meeting note: On the request of the Chairman and with the agreement of the Administration, an item on "Delayed submission of the Request for Inspection and Survey Checking Forms by the contractor of the Hong Kong Link Road of the Hong Kong-Zhuhai-Macao Bridge" was added to the agenda of the next meeting. Members were informed of the above changes vide LC Paper No. CB(4)529/18-19 on 13 February 2019)

III. Report of Independent Review Committee on Hong Kong's Franchised Bus Service

- | | |
|---------------------------------|--|
| LC Paper No. CB(4)405/18-19(03) | - Administration's paper on Report of Independent Review Committee on Hong Kong's Franchised Bus Service |
| LC Paper No. CB(4)397/18-19(01) | - Letter dated 8 January 2019 from the Secretary of the Independent Review Committee on Hong Kong's Franchised Bus Service to the Secretary General of the Legislative Council Secretariat together with the Report of the Independent Review Committee on Hong Kong's Franchised Bus Service released on 8 January 2019 |
| LC Paper No. CB(4)405/18-19(04) | Paper on the Independent Review Committee on Hong Kong's Franchised Bus Service prepared by the Legislative Council Secretariat (Background brief) |

Action

Declaration of interest

5. The Deputy Chairman reminded members that, according to Rule 83A of the Rules of Procedure, members should disclose the nature of any direct or indirect pecuniary interest relating to the matters under discussion before they spoke on such matters.

Briefing by the Administration

6. At the invitation of the Deputy Chairman, Secretary for Transport and Housing ("STH") briefed members on the major points of the Administration's paper on the Report of Independent Review Committee ("IRC") on Hong Kong's Franchised Bus ("FB") Service (LC Paper No. CB(4)405/18-19(03)). STH said that as FB assumed a pivotal role in the Hong Kong public transport sector, the Administration attached great importance to the safety of FB service and would actively pursue the 45 recommendations put forth by IRC. As of to date, 31 of the recommendations were implemented or being implemented, six were under planning and the remaining eight were subject to further study. STH explained that since some of the recommendations involved legislative amendments, the Administration would study these recommendations in detail to formulate the way forward.

Discussion

Working hours and rest time for bus captain

7. Mr LAM Cheuk-ting expressed the view that the Transport Department's ("TD") latest update on the "Guidelines on Bus Captains Working Hours, Rest Times and Meal Breaks" ("the Guidelines") promulgated in February 2018 still allowed a special shift duty of not exceeding 14 hours was an undesirable arrangement. Although a rest break of not less than three consecutive hours was provided in the special shift, there were no ancillary facilities such as rest rooms at the bus termini for bus captains to take rest. Mr LAM urged the Administration and FB operators to further reduce the duty hours of the special shift, and suggested the Administration use the dividends received from MTR Corporation Limited each year to recruit more bus captains to fill up the resultant shortfall in duty hours.

8. STH agreed that it was important for bus captains to have enough rest to ensure safe bus service. In this regard, the updated Guidelines provided that the maximum driving hours in a special shift should be 10 hours, i.e. the same as in normal shift duty. The updated Guidelines also required that a consecutive three-hour rest break should be provided in a special shift. STH said that TD would continue to conduct review, especially on the possibility of further shortening the duty hours of bus captains in a special shift, subject to the progress of bus captain recruitment by FB operators.

9. Mr Frankie YICK supported IRC's recommendation of providing staff rest rooms and toilets at bus termini so that bus captains could take rest during rest breaks. STH replied that TD had been working closely with other

government departments and FB operators for the provision of such facilities at bus termini or public transport interchanges, and would update the Transport Planning Design Manual and the Hong Kong Planning Standards and Guidelines upon the completion of review of the relevant requirements.

10. Dr KWOK Ka-ki sought information on the maximum driving hours in one duty shift in other jurisdictions. Dr KWOK expressed disappointment that the maximum duty hours in a normal shift of bus captains in Hong Kong was 12, and in the occasion of a special shift duty, 14. He said that the maximum driving hours in one duty shift in European Union("EU") was 9 and it had proven to be effective in reducing accident rates, and called on the Administration to expeditiously shorten the duty hours of bus captains in Hong Kong to be on par with that of the EU.

11. Sharing similar concern on the working hours and rest break of bus captains, the Deputy Chairman enquired about the duration of off-duty break between two successive shifts in other places vis-a-vis that in Hong Kong. In addition, he expressed disappointment about the Administration's response to IRC's recommendation of appointing an expert on fatigue identification and management as an ad hoc member of the Permanent Working Group on Enhancement of Safety of FB in that the Administration only pledged to study the need for appointing such an expert. In his view, the Administration should appoint a fatigue expert to give professional advice and using a more scientific method in formulating the policy on shift of bus captains.

12. In reply to the enquiries of Dr KWOK and the Deputy Chairman, Deputy Commissioner for Transport/Transport Services and Management said that the maximum working hours in one duty shift in London, United States, Singapore and Australia were 16, 15, 14 and 12 respectively. Moreover, the off-duty break between two successive shifts in London and Australia were no less than 10 hours and seven hours respectively, while in Hong Kong, the requirement was that there should be an off-duty break of no less than 10 hours between two successive shifts. As regards the suggestions made by Dr KWOK and the Deputy Chairman, STH reiterated that TD would review the Guidelines in respect of the working hours of bus captains after its full implementation by the second quarter of 2019. The Administration would also consider the suggestion of appointing a fatigue expert when conducting the review of the Guidelines.

13. Dr Junius HO expressed the view that the Administration and FB operators should formulate appropriate improvement measures and strike a proper balance between meeting operational needs and reducing the duty hours

of bus captains, and hoped that such improvement measures would be publicized as soon as practicable.

Remuneration of bus captains and attracting new blood to the industry

14. Noting from the IRC Report that there had been a continuous drop in the salary of bus captains since 1998 and that their current monthly salary including bonuses and allowances was only about \$18,000 on average, Mr POON Siu-ping, Dr CHIANG Lai-wan, Dr Priscilla LEUNG, Mr LUK Chun-hung and Mr SHIU Ka-fai expressed concern about the low level of pay for bus captains. The members opined that, because of the barely adequate salary, bus captains were compelled to work overtime in order to earn extra income. The unattractive remuneration was also not conducive to attracting new blood to join the industry. In this regard, the members asked about concrete measures to be taken by the Administration to induce FB operators to improve the remuneration of bus captains. Dr CHIANG further suggested that, when considering fare increase applications by FB operators, the Administration could spell out clearly the proportion of the increase that would be used to improve the remuneration of bus captains.

15. STH replied that the determination of the remuneration of bus captains was a commercial decision of the concerned FB operators in consultation with the staff unions, which would be subject to a host of factors such as the labour market situation and financial situation of the operators, etc. That said, the Administration encouraged FB operators to offer appropriate and attractive remuneration to retain staff and attract new blood. STH added that in considering fare increase applications by FB operators, the Administration would adhere to the Fare Adjustment Arrangement, which would take into account a basket of factors, in determining the appropriate level of increase for consideration by the Chief Executive-in-Council. It was therefore not a strict formula under which a certain percentage could be allocated to pay increase.

16. Mr CHAN Chi-chuen opined that the unattractive remuneration and long working hours of bus captains made it difficult for FB operators to recruit adequate manpower, which in turn formed a vicious circle and intensified the magnitude of the problem and put the safety of FB service at stake. Mr CHAN suggested that, on the condition that the bus fare would not be affected, the Administration should stipulate regulatory terms on the minimum wage and maximum working hours of bus captains in the franchises upon their renewal so as to safeguard bus captains' benefits, and also to regulate the remuneration packages of top-tier management.

17. STH responded that the Administration had urged FB operators to keep

in view the remuneration of bus captains so as to keep it in line with the overall labour market trend. FB operators had implemented measures, such as offering more incremental salary points and enhancing the fringe benefits of bus captains, to attract and retain talents. The Administration would continue to closely monitor the situation.

18. In reply to Mr YIU Si-wing's enquiry on how to attract young people to join the industry and whether the Administration would consider importing drivers under the Supplementary Labour Scheme("SLS"), STH said that the manpower issue required holistic considerations including the overall labour market condition, career and promotion prospects of bus captains and so on. The Administration was planning to lower the eligibility of obtaining a driving licence of commercial vehicles from having three years of driving experience to one year with a view to attracting more people to join the industry. As regards importing drivers under the SLS, STH said that the issue required careful consideration and discussion with relevant stakeholders and other government bureaux/departments before formulating any plan.

19. Dr Priscilla LEUNG asked whether the employment of part-time bus captains a tactic used by FB operators to control staff cost. STH replied that the employment of part-time bus captains by FB operators was mainly due to operational needs.

Abuse and assaults on bus captains

20. Mr Alvin YEUNG, Ms Claudia MO, Mr Gary FAN and Ms Tanya CHAN expressed the view that abuse and assaults on bus captains was intolerable and called on the Administration to take further measures to ensure the safety of bus captains. Noting from paragraph 315 of the IRC Report that of the 188 cases of abuse/assaults on bus captains from 1 January 2015 to 22 July 2018, only a few cases resulted in convictions and the sentences imposed were low level fines, Mr Gary FAN urged for heavier punishments on the assailants to prevent the occurrence of similar incidents.

21. STH replied that Section 13A of the Public Bus Services Regulations (Cap. 230A) stipulated that no passenger should willfully impede or distract the bus captain. Bus captains were authorized under the above legislation to request personal data of the assailants for referring the case to relevant enforcement authorities for prosecution, and the maximum penalty that could be imposed would be a fine of \$3,000 and imprisonment of six months. STH added that TD would discuss with FB operators and the Police on measures to enhance enforcement actions, such as exploring the feasibility of installing video

cameras with audio capacity at the bus entrance to facilitate the Police's collection of evidence for prosecutions.

22. Mr KWONG Chun-yu said that the relevant legislation in regulating abuse/assault on bus captains were outdated as compared to other jurisdictions, which would impose much heavier penalties against abuse/assault on bus captains. He opined that the Administration should review the level of penalty under relevant legislation in order to enhance the deterrent effect. Also, he sought information on the number of cases that resulted in imprisonment sentence out of the 188 cases mentioned above.

23. STH responded that apart from the provisions under the Public Bus Services Regulations (Cap. 230A), there were other legislation in place that could handle cases of assault on bus captains with much heavier penalties imposed on conviction, such as Section 39 of the Offences Against the Person Ordinance (Cap. 212) which provided that any person convicted of an assault occasioning actual bodily harm would be liable to imprisonment for three years. As regards the level of penalty, STH said the Court would make appropriate judgment having regard to the actual circumstances of individual cases. In response to Mr KWONG's enquiry, Commissioner for Transport ("C for T") said that of the 188 cases of abuse/assaults on bus captains, 75 cases were convicted with 15 cases carrying imprisonment sentence, including suspended sentence.

24. Mr Frankie YICK, Mr LUK Chung-hung and Mr POON Siu-ping supported the Administration to take more proactive measures to combat abuse/assault on bus captains. Noting that the IRC recommended that specific legislation be enacted to make it an offence to make a threatening, abusive or insulting communication towards a bus captain performing his duties, Mr LUK enquired about details of the proposal.

25. In reply, STH said that although the act of assaulting bus captains could be handled by various pieces of legislation at present, in response to the recommendations of IRC, the Administration would review the adequacy of the existing legislation in dealing with passengers using threatening, abusive or insulting languages towards bus captains and its wider implications, in consultation with the relevant government bureaux/departments.

26. Ms Claudia MO opined that existing legislation would be sufficient in dealing with abuse/assault on bus captains, and opined that FB operators might display notices on buses to remind passengers that abusing bus captains was an offence liable to prosecution. In her view, it was difficult to define what actions constituted "threatening, abusive or insulting".

27. Mr Alvin YEUNG said that it was difficult to prosecute assailants as they could easily escape from the scene, and suggested the setting up of dedicated teams by the Police to deal with abuse/assault cases on bus captains. In reply, STH reiterated that TD would discuss with the Police on measures to facilitate enforcement actions. In addition, TD would embark on a series of publicity campaign on promoting passenger courtesy.

28. Mr POON Siu-ping supported the launching of publicity campaign to promote passenger courtesy, and recommended TD collaborate with the education sector such that students would be taught on subjects such as road safety, passenger courtesy as well as the right attitude of road users and passengers. Mr CHAN Chi-chuen suggested launching promotional messages targeting tourists as some of the recent cases of assault were initiated by tourists.

29. STH took note of members' suggestion and said that TD was coordinating a series of promotional activities such as the rolling out of radio and television APIs to raise public awareness on courtesy behavior when using public transport services.

30. Dr Junius HO expressed that bus captains were required to stay focused on driving and there was no other person stationed on the bus to provide assistance to passengers. Dr HO therefore suggested the creation of the post of Bus Service Ambassador on buses to perform such duties, and recommended recipients of Comprehensive Social Security Assistance to take up such posts with a view to enhancing the quality of bus service.

31. On the issue of bus captain safety, Ms Tanya CHAN enquired about the effectiveness of installing protective shields for bus captains. C for T replied that the Kowloon Motor Bus Company (1933) Limited would install protective shields in their new buses. TD and FB operators would keep in view the effectiveness of the shields in enhancing safety of bus captains.

Implementation of IRC's other recommendations

32. Mr Gary FAN and Mr CHAN Chi-chuen enquired about details of TD's proposal to set up low speed limit zones with a speed limit of 30 km/hour in road sections in Central and Sham Shui Po. Both members opined that the measures might not be effective in reducing accidents. C for T replied that drawing from the experience in the United Kingdom, the introduction of low speed limit zones was effective in reducing the number of road traffic casualties by 40%. In exploring the applicability of low speed limit zones, TD would consider the impact of the measures on road traffic and safety benefits of relevant stakeholders. The trial scheme was expected to be rolled out within 2019.

33. Mr AU Nok-hin sought information about the execution details regarding bus priority measures to be implemented in major trunk roads in Hong Kong. Acting Assistant Commissioner for Transport/Technical Services replied that various bus priority measures, including bus-only lanes and designating bus gates, had been implementing on appropriate roads in Hong Kong. TD would conduct trials to introduce road markings and signages at suitable locations (e.g. road lanes near bus stop/lay-by) to remind other road users to give way to buses exiting the bus stop/lay-by.

34. Mr YIU Si-wing enquired about the subsidy provided to FB operators to promote the uptake of new safety technology as recommended by IRC. STH replied that the Administration had set aside \$500 million to provide subsidies to FB operators to install in-vehicle devices and technologies to assist safe driving. To this end, FB operators would also need to make financial commitment in upgrading technological safety devices on buses.

35. Noting that a dedicated safety team led by a Safety Director would be set up to monitor and promote the safety of FB, Dr KWOK Ka-ki asked when such team would be set up. STH replied that TD would draw up the implementation plan for setting up a Safety Director and a safety team, and in the interim, relevant divisions in TD would continue to look after safety issues relating to FB. STH said that TD would seek resources for establishing the team in accordance with established procedures. In addition, TD had requested all FB operators to consider setting up similar establishment for ensuring bus safety.

36. On the request of Ms Tanya CHAN, STH undertook to provide the timetable for implementing the 45 recommendations put forth by IRC after the meeting. The Admin

Motions

37. The Deputy Chairman said that five motions were received in relation to the agenda item under discussion. The Deputy Chairman decided that the five motions were directly related to the agenda item, and members agreed to deal with them at the meeting. The Deputy Chairman ordered a division on the voting.

38. The Deputy Chairman referred members to the following motion moved by Ms Tanya CHAN, Mr Jeremy TAM, Dr KWOK Ka-ki and Mr Alvin YEUNG-

現時《巴士車長工作、休息及用膳時間指引》(「指引」)容許特別更安排，以致不少車長每天需要工作14小時；過長工時不但會導致疲勞駕駛，亦有可能危害公眾安全；《香港專營巴士服務獨立檢討委員會報告》(「報告」)亦批評運輸署容許特別更安排，必然會增加車長累積疲勞的風險；有鑑於此，本會要求運輸署立刻降低特別更的最高工時(14小時)；運輸署亦應加強督促專營巴士公司為車長提供具市場競爭力的薪酬水平，以確保有足夠人手提供適切的服務，巴士公司不應以人手不足為藉口，強迫車長超時工作，無視市民的安全；同時，本會要求運輸署以更科學方法定期檢討「指引」的編更安排，在檢討「指引」時應諮詢識別及管理疲勞工作方面的專家。

(Translation)

The special shift arrangement is permitted under the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks ("the Guidelines") currently and as a result, many bus captains need to work 14 hours daily. Excessively long working hours will not only lead to fatigue driving, but may also be detrimental to public safety. The Report of the Independent Review Committee on Hong Kong's Franchised Bus Service has criticized that by permitting the special shift arrangement, the Transport Department ("TD") necessarily increases the risk of accumulated fatigue in bus captains. In view of the foregoing, this Panel calls on TD to immediately reduce the maximum working hours of a special shift (i.e. 14 hours). TD should also step up its efforts to urge franchised bus companies to provide bus captains with remuneration at a level which is competitive in the market so as to ensure that there is sufficient manpower to provide appropriate services. Bus companies should not force bus captains to work overtime on the excuse of manpower shortage and disregard the safety of members of the public. At the same time, this Panel requests that TD should review regularly the duty roster arrangements under the Guidelines by adopting a more scientific method, and consult experts on fatigue identification and management when reviewing the Guidelines.

39. The Deputy Chairman put the motion to vote. Eighteen members voted for the motion, three members voted against the motion, and two members abstained from voting. The Deputy Chairman declared that the motion was carried.

40. The votes of individual members were as follows –

For

Dr Priscilla LEUNG
Ms Claudia MO
Mr YIU Si-wing
Mr Charles Peter MOK
Mr CHAN Chi-chuen
Mr LEUNG Chi-cheung
Dr KWOK Ka-ki
Dr Helena WONG
Mr POON Siu-ping
Dr CHIANG Lai-wan
Mr Alvin YEUNG
Mr Andrew WAN
Dr Junius HO
Mr LAM Cheuk-ting
Mr Wilson OR
Ms Tanya CHAN
Mr Gary FAN
Mr AU Nok-hin
(18 members)

Against

Mr Tommy CHEUNG
Mr Frankie YICK
Mr SHIU Ka-fai
(3 members)

Abstain

Mr Paul TSE
Mr HO Kai-ming
(2 members)

41. The Deputy Chairman referred members to the following motion moved by Mr LAM Cheuk-ting-

本會促請政府將每年從港鐵所得的股息中調撥資源，以補助巴士公司就取消特別更所增加的人手需求。

(Translation)

This Panel urges the Government to allocate part of the dividends it receives from the MTR Corporation Limited each year to subsidize bus companies in meeting the additional manpower demand arising from the cancellation of special shifts.

42. The Deputy Chairman put the motion to vote. Six members voted for the motion, one member voted against the motion, and fifteen members abstained from voting. The Deputy Chairman declared that the motion was carried.

43. The votes of individual members were as follows –

For

Mr CHAN Chi-chuen
Dr Helena WONG
Mr POON Siu-ping
Mr Andrew WAN
Mr LAM Cheuk-ting
Mr Gary FAN
(6 members)

Against

Dr Junius HO
(1 member)

Abstain

Mr Tommy CHEUNG
Dr Priscilla LEUNG
Mr Paul TSE
Mr Frankie YICK
Mr YIU Si-wing
Mr Charles Peter MOK
Mr LEUNG Chi-cheung
Dr KWOK Ka-ki
Dr CHIANG Lai-wan
Mr Alvin YEUNG
Mr HO Kai-ming
Mr SHIU Ka-fai
Mr Wilson OR
Ms Tanya CHAN
Mr AU Nok-hin
(15 members)

44. The Deputy Chairman then referred members to the following motion originally moved by Mr LAM Cheuk-ting and amended by Dr CHIANG Lai-wan-

Original motion moved by Mr LAM Cheuk-ting-

本會促請政府訂立時間表，盡快取消巴士車長特別更安排，確保車長有足夠休息時間及良好駕駛質素，以保障乘客安全。

(Translation)

This Panel urges the Government to formulate timetables for expeditiously cancelling the special shift arrangement for bus captains so as to ensure that bus captains have sufficient rest time and are equipped with the qualities of a good driver, thereby safeguarding the safety of passengers.

Amendments moved by Dr CHIANG Lai-wan-

本會促請政府訂立時間表，盡快取消巴士車長特別更安排，**同時應大幅調整底薪**確保車長**有合理收入**，有足夠休息時間及良好駕駛質素，以保障乘客安全。

註：蔣麗芸議員的修正案以**粗斜字體**標示。

(Translation)

This Panel urges the Government to formulate timetables for expeditiously cancelling the special shift arrangement for bus captains **and substantially increasing their basic salary** so as to ensure that bus captains have **reasonable income and** sufficient rest time and are equipped with the qualities of a good driver, thereby safeguarding the safety of passengers.

Note: Dr CHIANG Lai-wan's amendment is marked in ***bold and italic type***.

45. The Deputy Chairman put to vote the motion as amended by Dr CHIANG Lai-wan. Sixteen members voted for the motion, two members voted against the motion, and three members abstained from voting. The Deputy Chairman declared that the motion as amended by Dr CHIANG was carried.

46. Mr YICK Chi-ming, who originally voted for the motion as amended, subsequently requested the Secretariat to amend the voting records in the minutes of meeting to reflect that he should have voted against the motion as amended.

47. The votes of individual members were as follows –

For

Dr Priscilla LEUNG
Ms Claudia MO
Mr Charles Peter MOK
Mr CHAN Chi-chuen
Mr LEUNG Chi-cheung
Dr KWOK Ka-ki
Dr Helena WONG
Mr POON Siu-ping
Dr CHIANG Lai-wan
Mr Alvin YEUNG
Mr Andrew WAN

Abstain

Mr Paul TSE
Mr YIU Si-wing
Mr HO Kai-ming
(3 members)

Against

Dr Junius HO
Mr Frankie YICK
(2 members)

Mr LAM Cheuk-ting
Mr Wilson OR
Ms Tanya CHAN
Mr Gary FAN
Mr AU Nok-hin
(16 members)

48. The Deputy Chairman referred members to the following motion moved by Mr CHAN Chi-chuen-

鑒於近年屢次發生乘客侮辱甚至襲擊巴士車長事件，而部份地區的旅客可能由於文化差異或執法標準差異而不清楚侮辱及阻礙巴士司機的嚴重性，本委員會要求當局應向乘客尤其是旅客宣傳尊重巴士車長的重要性及發放有關不尊重、侮辱或襲擊司機可能面對的懲罰的資訊，並加強對侮辱及襲擊司機罪行的執法效率，以確保乘客尊重本港的巴士車長。

(Translation)

Given that incidents of passengers insulting or even assaulting bus captains have occurred repeatedly in recent years, and that visitors from some regions may be unaware of the seriousness of insulting and obstructing bus captains due to cultural differences or discrepancies in law enforcement standards, this Panel requests that the Administration should promote the importance of respecting bus captains amongst passengers, especially visitors and disseminate information on the possible penalties for disrespecting, insulting or assaulting bus captains, and enhance the efficiency of law enforcement against such behaviour, with a view to ensuring that passengers respect the bus captains in Hong Kong.

49. The Deputy Chairman put to vote the motion. Twenty-one members voted for the motion, no member voted against the motion, and one member abstained from voting. The Deputy Chairman declared that the motion was carried.

50. The votes of individual members were as follows –

For
Mr Tommy CHEUNG
Dr Priscilla LEUNG

Abstain
Mr YIU Si-wing
(1 member)

Mr Paul TSE
Ms Claudia MO
Mr Frankie YICK
Mr Charles Peter MOK
Mr CHAN Chi-chuen
Mr LEUNG Chi-cheung
Dr KWOK Ka-ki
Dr Helena WONG
Mr POON Siu-ping
Dr CHIANG Lai-wan
Mr Alvin YEUNG
Mr Andrew WAN
Dr Junius HO
Mr Ho Kai-ming
Mr LAM Cheuk-ting
Mr SHIU Ka-fai
Mr Wilson OR
Ms Tanya CHAN
Mr AU Nok-hin
(21 members)

51. The Deputy Chairman referred members to the following motion moved by Dr Junius HO Kwan-yiu-

本會促請政府建議巴士公司設立巴士服務大使，並向巴士公司推介綜援人士擔任服務大使，以提升巴士乘客服務質素及提供巴士車長行車運作上支援服務。

(Translation)

This Panel urges the Government to propose to bus companies the creation of the posts of Bus Service Ambassador and to recommend recipients of Comprehensive Social Security Assistance to bus companies for taking up such posts with a view to enhancing the quality of bus service provided to passengers and providing supporting service in operation to bus captains.

52. The Deputy Chairman put the motion to vote. Eleven members voted for the motion, four members voted against the motion, and seven members abstained from voting. The Deputy Chairman declared that the motion was carried.

53. The votes of individual members were as follows –

For

Mr Tommy CHEUNG
Dr Priscilla LEUNG
Mr Paul TSE
Mr Frankie YICK
Mr YIU Si-wing
Mr LEUNG Chi-cheung
Dr CHIANG Lai-wan
Dr Junius HO
Mr Ho Kai-ming
Mr SHIU Ka-fai
Mr Wilson OR
(11 members)

Against

Mr CHAN Chi-chuen
Dr Helena WONG
Mr Andrew WAN
Mr LAM Cheuk-ting
(4 members)

Abstain

Mr Charles Peter MOK
Dr KWOK Ka-ki
Mr POON Siu-ping
Mr Alvin YEUNG
Ms Tanya CHAN
Mr Gary FAN
Mr AU Nok-hin
(7 members)

54. The Deputy Chairman requested the Administration to provide written response to the motions passed at the meeting.

(Post-meeting note: The wordings of the motions passed were issued to members vide LC Paper Nos. CB(4)444/18-19(01)-(05) on 22 January 2019)

IV. Free-flow Tolling System for Tseung Kwan O – Lam Tin Tunnel and other Government Tolled-Tunnels and Roads

LC Paper No. CB(4)405/18-19(05) - Administration's paper on Free-flow Tolling System for Tseung Kwan O – Lam Tin Tunnel and other Government Tolled-Tunnels and Roads

55. At the invitation of the Deputy Chairman, Under Secretary for Transport and Housing ("USTH") briefed members on the Administration's proposal to construct and implement a free-flow tolling system ("FFTS") for collecting tolls at Tseung Kwan O – Lam Tin Tunnel ("TKO-LTT"), and to roll out FFTS by

phases at other government tolled-tunnels and roads after the commissioning of TKO-LTT. Details of the proposal were set out in the Administration's paper (LC Paper No. CB(4)405/18-19(05)). Subject to funding approval of the Finance Committee ("FC") of the Legislative Council ("LegCo"), the Administration planned to commence construction of the proposed works for FFTS of TKO-LTT in end 2019 for completion in late 2021.

(Post-meeting note: A set of powerpoint presentation materials on the operation of FFTS, which was tabled at the meeting, was issued to members vide LC Paper No. CB(4)434/18-19(01) on 18 January 2019.)

Proposed toll level of Tseung Kwan O – Lam Tin Tunnel

56. Noting that the proposed toll level of TKO-LTT would be set at a flat rate of \$3 for all types of vehicles, Dr KWOK Ka-ki, Ms Claudia MO, Mr Gary FAN and Mr CHAN Chi-chuen opined that TKO-LTT should be toll-free to benefit tunnel users. Having regard to the construction cost of the FFTS of TKO-LTT, i.e. \$330.2 million in money-of-the-day prices, Ms MO questioned about the cost-effectiveness of constructing the FFTS for collecting a toll of \$3. Dr KWOK asked whether the toll level was determined according to the "user-pay principle".

57. USTH replied that tolls of government tolled-tunnels and roads were determined with regard to a number of factors, including traffic management, costs of the provision of the relevant tunnels and roads, the toll of alternative routes, as well as public affordability and acceptability. The Administration noted the suggestion that the tunnel should be toll-free, but this option was not taken on board after considering the traffic impact, as it would attract excessive traffic to TKO-LTT and its connecting roads. Charging a different toll level from the existing Tseung Kwan O tunnel was also not conducive to achieving better traffic management or diversion. In the longer run, the Administration would adopt the concepts of "congestion charging" and "efficiency first" in determining toll levels of different types of vehicles so as to allocate more effectively the limited road space at tolled-tunnels.

58. Having noted from paragraph 15 of the Administration's paper that TD would embark on a study to comprehensively review the hierarchy and level of tolls of all government tolled-tunnels and the Tsing Ma and Tsing Sha Control Areas, Mr POON Siu-ping asked about the timetable for taking forward the study.

59. USTH replied that TD would consult relevant stakeholders, including the Panel and the transport trade on the toll plans recommended by the study in

2021. Subject to the findings of the study, the toll levels of all government tolled-tunnels including TKO-LTT might be adjusted in the longer run.

60. Referring to the concept of congestion charging, Mr Gary FAN recalled that during the Singapore duty visit conducted by the Panel back in September 2014, members had studied the operation of the electronic road pricing there. Mr FAN commented that the experience of Singapore revealed that the effectiveness of electronic road pricing would diminish over time. He also expressed concern that electronic road pricing would become a tool of the Administration to increase its General Revenue.

61. Mr Charles Peter MOK, Mr Frankie YICK and Dr Elizabeth QUAT expressed support to the usage of FFTS in collecting tolls for government tunnels. They opined that FFTS, as one of the key smart mobility initiatives, would further enhance the development of Hong Kong as a Smart City. Mr MOK and Mr YICK further opined that FFTS and "congestion charging" were two separate issues which warranted separate discussion.

62. In reply to the Deputy Chairman's enquiry on the implementation of FFTS at other government tolled-tunnels, USTH said that with experience gained at TKO-LTT, TD planned to roll out FFTS at other government tolled-tunnels and roads within about two to three years after the commissioning of TKO-LTT. Tseung Kwan O Tunnel was planned to be among the first batch of existing government tolled-tunnels and roads to implement FFTS.

Operation of the free-flow tolling system

63. Dr KWOK ka-ki asked whether there would be interfacing problem between FFTS and other electronic payment system such as Autotoll. In reply, USTH said that FFTS and Autotoll were two separate systems with no conflict in usage.

64. Mr POON Siu-ping asked about the cost of the in-vehicle units ("IVUs") to be affixed to the vehicle, usable life of IVUs and whether vehicle owners had to pay for the re-issuance of IVUs.

65. USTH replied that the unit cost of the IVU would be about US\$2 each, and its usable life would be over seven years. USTH added that the first issue to registered vehicle owners would be free-of-charge. Re-issuance of IVUs would be borne by the vehicle owners on a cost-recovery basis.

66. Mr Wilson OR and Dr Elizabeth QUAT enquired about the handling of situation where vehicle owners were wrongly charged by FFTS, and whether a

mechanism was in place for vehicle owners to settle disputes about toll payment and to lodge complaints.

67. USTH said that once a vehicle had passed through FFTS at TKO-LTT, payment would be deducted automatically from a pre-registered payment account of the registered vehicle owner. The vehicle owner would be notified of the successful payment through mobile application. Alternatively, vehicle owners could check their payment status and payment history on a dedicated website. For vehicles not affixed with IVUs or when automatic payment was unsuccessful, vehicle owners would receive a toll payment notification for settling payment within a grace period of, say, seven days. To allow TD to handle disputes that might arise over toll payment, data of vehicles using TKO-LTT would be stored in the backend system of FFTS for no longer than necessary (say, 30 days). After that period, data would be automatically deleted.

68. Mr CHAN Chi-chuen sought information on the additional administrative cost incurred for TD to follow-up on those payment in arrears, and whether it was justified given that the toll level was only \$3. USTH said that vehicle owners would be given a grace period to settle payment in arrears, and if payment collection was in vain within the grace period, a surcharge would be imposed on a cost-recovery basis. Such arrangement was similar to the practice currently adopted in Tsing Ma and Tsing Sha Control Areas.

69. Mr Frankie YICK said that some members of the transport trade, such as minibus and taxi operators had expressed their difficulties in registering a payment account with TD. Both the Deputy Chairman and Mr YICK urged the Administration to maintain close dialogue with members of the trade in resolving their difficulties with regard to the operating requirements of FFTS. USTH took note of members' suggestions and said that TD had been in discussion with the trade and would take actions to address their concerns.

70. With regard to Mr Wilson OR's enquiry on the annual operating cost for maintaining FFTS, Assistant Commissioner/Management and Paratransit of the Transport Department ("AC/TD") replied that such information would be available after completion of the detailed design work for FFTS.

Personal data privacy issue

71. Mr AU Nok-hin, Mr CHAN Chi-chuen, Mr Gary FAN and Mr Wilson OR expressed concern over the collection of personal data through FFTS. Noting that a privacy impact assessment for the field trial on FFTS had been conducted in consultation with the Office of the Privacy Commissioner for

Personal Data ("PCPD"), and that TD was further working with PCPD to mitigate personal data privacy risks for the backend system of FFTS as given in paragraphs 4 and 8 of the Administration paper, the members sought information regarding (i) details and result of the privacy impact assessment; (ii) the types of personal data privacy risks envisaged at the backend system of FFTS which warranted further review and action by TD; and (iii) measures by TD to ensure protection of personal data collected through FFTS.

72. Mr Alvin YEUNG and Dr Elizabeth QUAT enquired whether the toll service provider who was responsible for handling toll collection through FFTS would be allowed to store, retrieve and manage personal data of vehicle owners using TKO-LTT.

73. AC/TD replied that the preliminary privacy impact assessment conducted on the overall design of IVU indicated that no personal data privacy issue of data in IVUs and field equipment was envisaged. She added that the use of TKO-LTT would be detected by FFTS through IVU affixed to a vehicle, supplemented by Automatic Number Plate Recognition technology through recognition of the vehicle registration mark. In both cases, only digital data or photo and video images of the vehicles would be collected, and such data would not be bundled with any personal particulars of vehicle owners. In addition, for the data to be stored temporarily, TD was working with PCPD on ways to minimize personal data privacy risks, if any, for the storage of the data. USTH added that the Administration would strictly adhere to the requirements under the Personal Data (Privacy) Ordinance (Cap. 486) in collecting data of vehicle owners, and that the Administration would not collect any information more than that was required for the operation of FFTS. As regards the toll service provider appointed to handle toll collection, USTH said that only their authorized persons were entitled to access the personal data of tunnel users.

74. At members' request, USTH agreed to provide a written response with respect to personal data privacy issue relating to the operation of FFTS after the meeting. The Admin

(Post-meeting note: The Administration's response on the above issue was sent to members vide LC Paper No. CB(4)980/18-19(01) on 5 June 2019.)

Other issues

75. Mr POON Siu-ping enquired about the arrangement for re-deploying toll collectors to take up other tunnel posts after the implementation of FFTS and whether their remuneration package would be affected after the

re-deployment. USTH replied that TD would set out in the contract of tunnel operators the requirement to arrange re-training for toll collectors so as to enable them to take up other tunnel posts, such as Traffic Officers. In general, remuneration of such posts would be more favourable than that of toll collectors.

76. Mr Alvin YEUNG asked whether the successful bidder of FFTS for TKO-LTT would be rated more favourably in the open tender of FFTS for other government tolled-tunnels due to their experience gained in operating TKO-LTT. AC/TD replied that the toll service provider of FFTS for TKO-LTT would also be appointed to collect tolls for other government tolled-tunnels in future.

V. Any other business

77. There being no other business, the meeting ended at 1:14 pm.