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<p>1 Monday, 7 May 2018</p> <p>2 (10.06 am)</p> <p>3 CHAIRMAN: Good morning.</p> <p>4 The Independent Review Committee on Hong Kong's</p> <p>5 Franchised Bus Service was set up by the Chief Executive</p> <p>6 on 13 March 2018. Its terms of reference, which are</p> <p>7 displayed for you to see, are these, and it is important</p> <p>8 that we all understand what the terms of reference are,</p> <p>9 so I will read them out:</p> <p>10 "From the point of view of safety, in the light of</p> <p>11 the fatal accident on 10 February 2018 and other recent</p> <p>12 serious incidents involving franchised buses in</p> <p>13 Hong Kong:</p> <p>14 (a) to examine the operation and management of bus</p> <p>15 franchises under the current legislative, franchise and</p> <p>16 other contractual requirements;</p> <p>17 (b) to examine the present regulatory and monitoring</p> <p>18 system for franchised buses; and</p> <p>19 (c) in relation to the above, to make</p> <p>20 recommendations to the Chief Executive on safety-related</p> <p>21 measures with a view to sustaining a safe and reliable</p> <p>22 franchised bus service in Hong Kong.</p> <p>23 The Committee may invite submissions from interested</p> <p>24 parties and from the public on the above matters and</p> <p>25 should use its best endeavours to submit its report</p>	<p>1 incidents involving franchised bus services, together</p> <p>2 with members of the public generally, to make written</p> <p>3 submissions to the committee.</p> <p>4 Today, we acknowledge and welcome the presence of</p> <p>5 some of the surviving passengers and their family</p> <p>6 members, and the family members of others who have lost</p> <p>7 their lives in the incident on the Tai Po Road.</p> <p>8 On 28 March 2018, the committee issued letters to</p> <p>9 specified interested parties, requesting or inviting</p> <p>10 them to make written submissions to the committee on the</p> <p>11 matters identified in the terms of reference. The</p> <p>12 committee requested some of those specified interested</p> <p>13 parties to provide responses, addressing issues and</p> <p>14 questions set out in annexes to the committee's letters.</p> <p>15 Amongst the specified interested parties asked to</p> <p>16 respond in that way were the Transport and Housing</p> <p>17 Bureau, the Transport Department, the five franchised</p> <p>18 bus companies, and no fewer than 16 trade unions</p> <p>19 representing franchised bus drivers, and one bus driver</p> <p>20 association, the LegCo Panel on Transport, the Community</p> <p>21 for Road Safety, and others.</p> <p>22 Subsequently, the committee wrote to the</p> <p>23 Commissioner for Police, requesting the Hong Kong Police</p> <p>24 Force to make a written submission and asking them to</p> <p>25 address the issues and questions posed in an annex</p>
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<p>1 within nine months. Issues relating to the causes and</p> <p>2 liability of persons involved in the fatal accident on</p> <p>3 10 February 2018 will be investigated by the Police and</p> <p>4 fall outside the Committee's terms of reference."</p> <p>5 It follows that it is the duty of the committee to</p> <p>6 obtain information in respect of, first, the operation</p> <p>7 and management of bus franchises, and secondly, the</p> <p>8 regulatory and monitoring system of bus franchises.</p> <p>9 Most importantly, the ultimate objective of the</p> <p>10 committee is to make recommendations to the Chief</p> <p>11 Executive on safety-related measures with a view to</p> <p>12 sustaining a safe and reliable franchised bus service.</p> <p>13 The committee intends to be and to remain focused on</p> <p>14 attaining that objective.</p> <p>15 Significantly, it is to be noted that the committee</p> <p>16 has been directed that issues relating to the causes and</p> <p>17 liability of persons involved in the fatal accident on</p> <p>18 10 February 2018 on the Tai Po Road fall outside the</p> <p>19 committee's terms of reference. That of course is</p> <p>20 because the incident is the subject of a separate police</p> <p>21 investigation.</p> <p>22 On 28 March 2018, the committee commenced its work,</p> <p>23 and on that date issued a public invitation to</p> <p>24 passengers and family members of the victims of the</p> <p>25 fatal accident on Tai Po Road and other recent serious</p>	<p>1 attached to the letter.</p> <p>2 During April 2018, the committee received helpful</p> <p>3 submissions, written submissions, from the Transport and</p> <p>4 Housing Bureau, the Transport Department, all five</p> <p>5 franchised bus companies, and from or on behalf of</p> <p>6 various trade unions.</p> <p>7 On 27 April 2018, the committee requested the</p> <p>8 Transport and Housing Bureau and the Transport</p> <p>9 Department to make further written submissions,</p> <p>10 addressing specifically identified issues and questions.</p> <p>11 On 3 May 2018, the committee invited the Transport</p> <p>12 and Housing Bureau and the Transport Department to</p> <p>13 provide a representative to give oral evidence before</p> <p>14 the committee at today's and tomorrow's hearing. Today,</p> <p>15 we acknowledge the presence of Mr Joseph Lai, Permanent</p> <p>16 Secretary for the Transport and Housing Bureau, and his</p> <p>17 colleagues, Mr Kevin Choi and Ms Crystal Yip, who are</p> <p>18 representatives of the Transport and Housing Bureau, and</p> <p>19 in due course we would welcome representatives of the</p> <p>20 Transport Department, who are providing no fewer than</p> <p>21 six representatives to assist the committee.</p> <p>22 The committee is grateful to those bodies for having</p> <p>23 accepted the committee's invitation to give oral</p> <p>24 evidence, and is pleased that they are here today to</p> <p>25 assist the committee in its work.</p>

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<p>1 On 4 May 2018, the committee requested all five 2 franchised bus companies to make further written 3 submissions, addressing specifically identified issues 4 and questions. On the same date, the committee received 5 written submissions from the Transport and Housing 6 Bureau and the Transport Department, and we are awaiting 7 written submissions from the Commissioner of Police.</p> <p>8 We acknowledge that the time frame in which those 9 various parties have been asked to respond has been 10 short, and we are grateful that they have obviously 11 worked under time pressure to provide us with the 12 information we have requested.</p> <p>13 On 4 and 5 May 2018, the committee uploaded to its 14 website paginated versions of the letters it had sent to 15 interested parties and the written submissions that it 16 had received, and they are available for all to access 17 as they wish.</p> <p>18 Finally, before we begin to receive the oral 19 evidence, it is appropriate that we should acknowledge 20 and mark the tragic circumstances that have led to this 21 committee being set up. As a mark of our respect, for 22 the 19 persons who died in the Tai Po Road incident on 23 10 February 2018, and in commiseration to their family 24 members for their grievous loss, and as a mark of 25 respect for others who have died in recent incidents</p>	<p>1 MR JOSEPH LAI: Mr Chairman, if I may, I would like to make 2 a short opening statement.</p> <p>3 CHAIRMAN: Please do.</p> <p>4 Opening statement by MR JOSEPH LAI</p> <p>5 MR JOSEPH LAI: Chairman and members of the committee, good 6 morning. Thank you for inviting the Transport and 7 Housing Bureau to attend before the committee and to 8 give us the opportunity to make an opening statement.</p> <p>9 Before I deliver the statement, I would like to 10 convey a message from the Secretary for Transport and 11 Housing. It has always been the intention of the 12 secretary to personally attend before the committee. 13 Regrettably, by the time the invitation from the 14 committee arrived, the secretary already had 15 a commitment firmed up some time ago with the 16 Legislative Council. At this very moment, the secretary 17 is attending a meeting of the Bills Committee which is 18 set up to scrutinise the bill to provide for customs, 19 immigration and quarantine co-location arrangements in 20 the West Kowloon Station. The secretary has asked me to 21 send his apologies to the committee for not being able 22 to be here today.</p> <p>23 Chairman, there are two characteristics of 24 Hong Kong's public transportation system which stand out 25 in any global comparison. These may form the backdrop</p>
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<p>1 involving franchised buses, may I ask that we all stand 2 and observe a short moment of silence.</p> <p>3 Thank you.</p> <p>4 At the outset, I am going to ask Mr Duncan, senior 5 counsel of the counsel assisting the committee in its 6 work, to open proceedings.</p> <p>7 Mr Duncan.</p> <p>8 EVIDENCE FROM THE TRANSPORT AND HOUSING BUREAU: 9 MR JOSEPH LAI, MR KEVIN CHOI AND MS CRYSTAL YIP</p> <p>10 MR DUNCAN: Mr Chairman, thank you.</p> <p>11 Mr Choi, Mr Lai and Ms Yip, thank you for attending 12 this morning, and thank you for providing your written 13 submissions. Would you care to take your seats, please, 14 at the table.</p> <p>15 As the chairman has already noted this morning, the 16 invitation has been issued to the bureau to provide oral 17 submissions today, in addition to the written 18 submissions that you have helpfully provided the 19 commission.</p> <p>20 In the absence of your being represented by legal 21 counsel this morning, who would normally lead you 22 through any oral evidence that you wish to give, can 23 I ask whether any of you do wish to take the opportunity 24 of making any oral submissions?</p> <p>25 CHAIRMAN: Mr Lai?</p>	<p>1 to the issues which are being reviewed by the committee.</p> <p>2 The first characteristic is that Hong Kong has 3 a highly developed public transport system to cater for 4 the daily commuting needs of the population. Our basic 5 transport policy can be summarised as "public 6 transportation is the primary means of transportation 7 with railway as the backbone". Chairman, if you allow 8 me, I will just translate that particular policy into 9 Chinese, because it is a very familiar term in the local 10 community.</p> <p>11 CHAIRMAN: Please do so.</p> <p>12 MR JOSEPH LAI: Thank you, Chairman. That is 13 "(Chinese spoken)".</p> <p>14 Of all the daily trips undertaken by commuters every 15 day, over 90 per cent, in other words 12 million or so, 16 are made by way of public transport. This percentage, 17 as far as we are aware, is by far the highest in the 18 world. Within those 12 million trips, about 39 per cent 19 are by heavy rail, 31 per cent by franchised buses, 20 14 per cent by public light buses, 7 per cent by taxis, 21 4 per cent by Light Rail, and other modes of public 22 transport account for the remaining 5 per cent.</p> <p>23 The other way to look at it is that on a typical 24 day, franchised buses carry some 4 million passenger 25 trips.</p>

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<p>1 The second characteristic is that, unlike almost all 2 other overseas jurisdictions, public transport services 3 in Hong Kong, including franchised buses, are operated 4 by private companies in accordance with prudent 5 commercial principles, generally without government's 6 direct subsidies. This reflects government's overall 7 policy thinking, established over many years, that 8 running public transport through prudent commercial 9 principles would help ensure efficiency and 10 competitiveness.</p> <p>11 At the same time, franchised bus operators and other 12 public transport operators are not just any other 13 commercial entities. Many aspects of their operation 14 are subject to government regulation, control and 15 monitoring. These include, for example, fares, service 16 level and frequency, as well as the all-important issue 17 of safety.</p> <p>18 In this connection, government has two roles. As 19 policymakers, government formulates standards and 20 requirements and seeks to reflect these in legislation, 21 franchise terms, and other contractual commitments. In 22 the process, government seeks to balance different, 23 sometimes competing, interests. Different stakeholders 24 include, for example, franchised bus operators, the 25 operators of other public transport modes, the</p>	<p>1 2016 Hong Kong Yearbook, it is stated, and I quote: 2 "The Government aims to provide a safe, efficient, 3 reliable and environmentally-friendly transportation 4 system ..."</p> <p>5 In the controlling officer's report of the Transport 6 Branch of the Transport and Housing Bureau for this 7 year, ie 2018 to 2019, it is stated that one of the aims 8 of the Branch's work in relation to land and water-borne 9 transport is to promote road safety. The website of the 10 Transport and Housing Bureau states that one of the 11 policy objectives of the bureau is to promote safety, 12 and in this context I would say that this refers to the 13 safety of passengers.</p> <p>14 Furthermore, the Road Safety Council was established 15 in 1973 to promote road safety in Hong Kong. Various 16 promotion and publicity programmes were launched by the 17 Road Safety Council over the years. For example, the 18 Road Safety Council supports the Transport Department's 19 signature event which is called Safe Driving and Health 20 Campaign for Commercial Vehicle Drivers. This event is 21 held each year on an annual basis, with a view to 22 enhancing the safe driving skills and health awareness 23 of commercial vehicle drivers, including of course 24 franchised bus drivers.</p> <p>25 The campaign includes a wide range of activities,</p>
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<p>1 travelling public, other road users, politicians, and so 2 on.</p> <p>3 The Legislative Council also plays an important 4 role, in particular where laws need to be introduced or 5 amended or where financial resources are required.</p> <p>6 The other role of government is that of regulator, 7 to ensure that the franchised bus operators do comply 8 with the prevailing legislation, franchise terms, and 9 other contractual commitments.</p> <p>10 Policies and thus the details and focus of the 11 regulatory regime change over time. Sometimes this can 12 be the result of change in public expectation. At other 13 times this can be due to changing technologies or the 14 changing mode of operation of the franchised bus 15 operators. At still other times, policies can change in 16 response to certain events or incidents.</p> <p>17 But throughout the years, an overarching constant 18 emphasis is always this. Franchised bus operators must 19 provide proper and efficient service. This requirement 20 for the provision of proper and efficient service is set 21 out in the Public Bus Services Ordinance enacted in 22 1975. Safety is always a crucial element when 23 considering whether the service is proper. Indeed, 24 safety is of uppermost priority in our transport policy, 25 and this is publicly documented. For instance, in the</p>	<p>1 including radio programmes, health checks, and advice 2 provided for commercial vehicle drivers, as well as 3 community promotion by goodwill ambassadors.</p> <p>4 Safety-related standards and requirements can 5 broadly be categorised into output-based, input-based 6 and process-based.</p> <p>7 To give just a few examples, accident rate in terms 8 of, for example, involvement in accidents per 9 vehicle-kilometre travelled; customer satisfaction as 10 reflected through, for example, the number and nature of 11 complaints received and the outcome of passenger 12 surveys; type approval for any new bus model; annual and 13 spot-checks of buses in service; mandatory bus 14 equipment, such as the installation of black box and 15 speed limiter; licensing requirements for bus captains; 16 and maximum working hours and minimum rest time for bus 17 captains.</p> <p>18 As I alluded to a moment ago, standards and 19 requirements evolve over time, as environment and 20 community expectations change. Again, just to quote 21 a few examples, Guidelines on Bus Captain Working Hours, 22 Rest Times, and Meal Breaks was first introduced in 23 1998, and then they were revised on several occasions, 24 the latest being earlier this year, 2018.</p> <p>25 Two or three other examples I would quote would</p>

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<p>1 include the installation of speed limiters and black 2 boxes following a fatal accident in 2003; the 3 installation of an additional horizontal guard bar on 4 the exit doors, following a few accidents in 2016; and 5 the requirement for newly purchased franchised buses 6 must comply with the prevailing statutory emission 7 standards.</p> <p>8 With regard to the overall road safety in Hong Kong, 9 the total number of accidents involving franchised buses 10 has remained relatively stable in the past five years or 11 so, which averages at about 2,200 per year, as compared 12 with the total number of traffic accidents in Hong Kong, 13 which averages at about 16,000 per year. The number of 14 accident involvement for franchised buses in fact 15 dropped slightly from 2,292 in the year 2013 to 2,187 in 16 the year 2017, at a time when the number of franchised 17 buses increased by 3.3 per cent. The involvement rate 18 per million vehicle-kilometres of franchised buses also 19 remained stable over the past few years.</p> <p>20 Chairman, I should perhaps also mention that 21 franchised buses are run, by definition, on the basis of 22 franchises. These are to be differentiated from 23 services that are provided directly by government and 24 from services that are run purely as ordinary private 25 businesses.</p>	<p>1 Chairman, this concludes my statement. My 2 colleagues and I will be happy to answer questions.</p> <p>3 CHAIRMAN: Thank you, Mr Lai.</p> <p>4 Might I acknowledge on behalf of the committee that 5 we were aware of the Secretary's commitment in LegCo, 6 but given the urgency that we should examine and receive 7 material, we, the committee, decided that we must press 8 ahead, even without his attendance. But we thank him 9 for his apology.</p> <p>10 MR JOSEPH LAI: Thank you.</p> <p>11 CHAIRMAN: Mr Duncan.</p> <p>12 Examination by MR DUNCAN</p> <p>13 MR DUNCAN: Thank you, Mr Chairman.</p> <p>14 Thank you, again, Mr Lai, for those comments.</p> <p>15 There are a number of matters that I wish to explore 16 with the bureau. Before I start with those, can I just 17 recognise a point which has been made in your written 18 submissions, and that is the differentiation of duties 19 and responsibilities between the bureau on the one hand 20 and the Transport Department on the other.</p> <p>21 The point that has been made in your submissions is 22 that it's the bureau's task to formulate policies and 23 initiate proposals, whereas the role of the department 24 is to implement those policies, enforce the laws, and 25 provide services generally to the community.</p>
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<p>1 A franchise is awarded to a franchisee on the basis 2 that the franchisee would be able to fulfil all the 3 standards and requirements set out in law, the 4 franchise, and so on. The regulatory authority 5 scrutinises the performance of the franchisee at a broad 6 overall level. There are checks and balances, sort of 7 overall quality control, to ensure that franchisees are 8 able to deliver and do deliver. A quick example is the 9 spot-checks conducted every day on buses in service. At 10 the same time, in terms of day-to-day performance, the 11 primary onus and responsibility is on the franchisee to 12 deliver and to meet its basic obligations.</p> <p>13 Generally speaking, a franchisee is expected to have 14 the maturity, the resources and the general capability 15 to provide its services without the regulator having to 16 look over the shoulder of each and every minute detail, 17 day in and day out.</p> <p>18 Chairman, the last point I would like to make is 19 this. Whilst every effort has been made continuously by 20 government to improve the safe operation of franchised 21 buses, we are fully conscious that there is always room 22 for further improvement. We constantly look for ways to 23 bring safety to the next higher level, and any comments 24 and suggestions from different stakeholders are always 25 gratefully welcomed.</p>	<p>1 I recognise that distinction.</p> <p>2 Accordingly, my questions of you this morning will 3 be aimed, as far as I can, at the role you perform. We 4 will of course have the benefit of personnel from the 5 Transport Department later, and a lot more of the detail 6 will be covered with those persons.</p> <p>7 I would like to actually start with the terms of 8 reference themselves, to which the chairman has already 9 referred, and bring to your specific attention item (b) 10 in the terms of reference. You will see, at the risk of 11 repetition, that the committee is charged with the 12 examination of the present regulatory and monitoring 13 system for franchised buses.</p> <p>14 So the first matter which I wish to explore with you 15 a little this morning is the extent to which the current 16 regulatory system truly addresses the issue of safety. 17 As I understand it, again, from your written 18 submissions, the basics of our regulatory regime consist 19 firstly of the ordinance, to which Mr Lai has referred 20 to this morning, the Public Buses Ordinance, Cap 230, 21 I believe; secondly, the regulations which are made 22 under that ordinance; and then, thirdly, the franchise 23 document issued to a grantee as provided for in the 24 ordinance.</p> <p>25 What I would like to do is take you to the</p>

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<p>1 ordinance. I'm going to run through -- quickly, I hope, 2 because all of these provisions will be well known to 3 you -- identify those which seem to us to be the 4 significant ones with regard to the committee's terms of 5 reference; and then, having regard to those provisions, 6 explore with you a number of matters.</p> <p>7 The ordinance, I believe, is being brought up on the 8 screen. If you wish to have access to the hard copy of 9 that, it's in the THB-2 bundle at page 104.</p> <p>10 MR JOSEPH LAI: Yes. Thank you.</p> <p>11 MR DUNCAN: The first version to which I would bring your 12 attention is section 9 of the ordinance. It gives the 13 power to the Chief Executive to appoint not more than 14 two persons as additional directors of any of the 15 grantees under a franchise.</p> <p>16 Moving from section 9, we go to section 12. That is 17 the provision which requires, as Mr Lai has already 18 referred to this morning, the franchisee or the grantee 19 to provide a proper and efficient bus service.</p> <p>20 Subsection (2) of section 12 refers to the fact that 21 the grantee shall not be treated as maintaining that 22 sort of service unless it maintains the service and 23 operates it in accordance with the franchise, and any 24 direction or requirement under the franchise or under 25 the ordinance and any programme or any approval under</p>	<p>1 section 18, page 112 of the bundle, the requirement for 2 the grantee to keep proper records in respect of 3 particular matters. At item (e), there is reference to 4 accidents.</p> <p>5 Then, following on from that, the next provision 6 I wish to refer you to is section 22. This is on 7 page 114, the provision for the Chief 8 Executive-in-Council to require the payment of 9 a financial penalty under certain circumstances. Those 10 circumstances are set out in subsection (2):</p> <p>11 "... may be imposed in respect of any failure by 12 a grantee to comply with its franchise or this Ordinance 13 or any direction or requirement under [the franchise or 14 the ordinance], or with any programme ..."</p> <p>15 With reference back again to the forward planning 16 programme in section 12A.</p> <p>17 Then section 24 on page 115 provides for fairly 18 drastic measures in the case of a grantee having failed 19 to maintain a proper and efficient public bus service, 20 and the steps that are available to the administration 21 to withdraw the franchise if that extreme situation were 22 to develop.</p> <p>23 Then section 35, if I could take you to that, 24 please, at page 124 of the bundle: 25 "The Secretary for Transport and Housing may make</p>
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<p>1 section 16A.</p> <p>2 Now, the reference to the programme is picked up in 3 the following section of the ordinance, section 12A, 4 "Forward planning programme". There is a requirement in 5 subsection (1) for a grantee, in each year, to prepare 6 a programme of the operations of the grantee for the 7 following five years in respect of the matters set out 8 in the schedule.</p> <p>9 I will take you to the schedule in just a moment, 10 but if you look down to subsection (4), there is 11 a provision whereby if the franchisee concerned and the 12 Commissioner for Transport are unable to agree as to 13 matters to be included in the programme, then that is 14 a matter which has to be resolved by the secretary.</p> <p>15 If we go through to the schedule, at the end of the 16 ordinance, it's page 126 on the marked bundle, the 17 contents of a programme are set out in detail there, 18 items (a) to (h). As far as I can tell, there is 19 nothing specific within the schedule pertaining to the 20 matter of safety. However, item (h) appears to be 21 a catch-all, in that it states "any other matters, 22 whether or not specified in paragraphs (a) to (g) 23 inclusive, as may be required by the Commissioner".</p> <p>24 Going back to the substance of the ordinance, the 25 next section which is I think of relevance is that at</p>	<p>1 regulations for [a number of matters set out there] ..."</p> <p>2 If I could bring your attention to three of those 3 provisions in the context of this Committee's terms of 4 reference, first of all, at item (c):</p> <p>5 "regulating the conduct of ... drivers, conductors 6 and authorised persons" employed by the bus companies.</p> <p>7 At (d):</p> <p>8 "generally as to the conduct of passengers and 9 intending passengers on buses used by a grantee".</p> <p>10 And thirdly, at (j) over the page:</p> <p>11 "regulating, in relation to the drivers of buses 12 used by a grantee --</p> <p>13 (i) the maximum number of hours during which any 14 such driver may be permitted to drive ... a bus; and 15 (ii) the intervals to be provided by a grantee for 16 the rest and refreshment of such drivers ..."</p> <p>17 Then the following section, section 36, provides for 18 a grantee, not the administration but the bus operator 19 itself, to make by-laws for a number of matters, and at 20 item (c) there is reference to, and I quote, "the safe 21 and efficient operation of the grantee's public bus 22 service".</p> <p>23 Before I leave that, at subsection (3), there is 24 a provision to enable those by-laws to provide that 25 a contravention shall be an offence and can provide</p>

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<p>1 penalties.</p> <p>2 Perhaps it's also worthy of note, in subsection (2),</p> <p>3 that any by-laws passed by a franchisee are subject to</p> <p>4 the approval of the Legislative Council.</p> <p>5 So they are the provisions to which I wish to refer</p> <p>6 you to in the ordinance itself.</p> <p>7 Then you have the regulations, which commence from</p> <p>8 page 128. Very quickly, you will notice that there are</p> <p>9 some regulations already passed with regard to the</p> <p>10 conduct of the driver and also the conduct of passengers</p> <p>11 on buses.</p> <p>12 At page 130, we have regulation 9, which has some</p> <p>13 provisions for the conduct of driver; they are continued</p> <p>14 on page 131, under regulations 11, 12 and 13. I notice</p> <p>15 in passing that regulation 11 addresses the general</p> <p>16 conduct not just of the driver but also of the</p> <p>17 conductor, and to my knowledge bus companies these days</p> <p>18 do not employ conductors, so perhaps that is</p> <p>19 a reflection of how ancient perhaps these regulations</p> <p>20 may be.</p> <p>21 Nevertheless, let's move on. At page 132, we have</p> <p>22 regulation 13A which pertains to the topic of the</p> <p>23 general conduct of passengers and intending passengers.</p> <p>24 With regard to the regulatory landscape, we can see</p> <p>25 important provisions there in the ordinance and in the</p>	<p>1 document. That also is reflected in the franchise</p> <p>2 document itself, in clause 1 at subclause (3) at</p> <p>3 page 139 of the bundle. We see at the bottom of that</p> <p>4 page:</p> <p>5 "For the avoidance of doubt, unless there is express</p> <p>6 provision to the contrary, the Grantee shall at no cost</p> <p>7 to the Government comply with any direction and</p> <p>8 requirement given under this franchise by the</p> <p>9 Commissioner, the Financial Secretary or any ... public</p> <p>10 officer."</p> <p>11 The next issue one turns to is what sort of</p> <p>12 direction or requirement is the commissioner, the</p> <p>13 Financial Secretary or any other public officer, able to</p> <p>14 issue, within the terms of the franchise.</p> <p>15 If we look through this document, as far as counsel</p> <p>16 can tell, there is no general power to issue any sort of</p> <p>17 direction or any sort of requirement. There are</p> <p>18 specific matters in respect of which the administration</p> <p>19 can issue a direction or a requirement.</p> <p>20 I will give you some examples of those. Page 141,</p> <p>21 paragraph 7, with regard to the provision of facilities,</p> <p>22 that is a typical example of a matter which can be the</p> <p>23 subject of a direction or a requirement; at item 9, the</p> <p>24 shared use of bus stops; item 12 at page 143, parking</p> <p>25 facilities at terminal points, display of routes and</p>
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<p>1 regulations.</p> <p>2 I would then like to take you, please, to the</p> <p>3 franchise document itself. For this purpose, I'm going</p> <p>4 to refer to the latest franchise which has been issued,</p> <p>5 which I understand was last year to the Kowloon Motor</p> <p>6 Bus Company (1933) Ltd. You will find that document in</p> <p>7 the hard copies at THB-2 at page 137.</p> <p>8 Do you have that in front of?</p> <p>9 MR JOSEPH LAI: Yes, I do. Thank you.</p> <p>10 MR DUNCAN: The first provision perhaps I could bring to</p> <p>11 your attention would be clause 7, one of the franchise</p> <p>12 documents which can be found at page 141. A relevant</p> <p>13 clause appears there:</p> <p>14 "The Grantee shall, as far as practicable, acquire,</p> <p>15 provide, adopt, maintain, or modify to the satisfaction</p> <p>16 of the Commissioner such safety or service enhancement</p> <p>17 facilities, installation, fixtures, fittings, apparatus</p> <p>18 or equipment on its buses as may be reasonably required</p> <p>19 by the Commissioner after consultation with the</p> <p>20 Grantee."</p> <p>21 So there is a specific reference there at clause 7</p> <p>22 with regard to facilities on the buses of the</p> <p>23 franchisee.</p> <p>24 The ordinance, we have seen, refers to directions or</p> <p>25 requirements which may be required under the franchise</p>	<p>1 fares, and so on.</p> <p>2 I won't take you through them all, but if you go</p> <p>3 down to number 28, clause 28 of the document, you will</p> <p>4 see a provision, 28(1):</p> <p>5 "provide to the commissioner the information</p> <p>6 relating to and records kept by the Grantee in respect</p> <p>7 of the Bus Service in accordance with Schedule II ..."</p> <p>8 And you will see that schedule at page 168 with</p> <p>9 regard to the sorts of records and information which has</p> <p>10 to be provided according to the terms of the franchise.</p> <p>11 What I would like to note in passing is that it</p> <p>12 would appear to counsel that there are probably a number</p> <p>13 of safety-related issues which are not specifically</p> <p>14 addressed in the franchise document and which would not</p> <p>15 therefore be able to be the subject of any particular</p> <p>16 direction or requirement. The one that occurs to</p> <p>17 counsel as being an obvious one is the matter of the</p> <p>18 training of bus captains. There would appear to be</p> <p>19 nothing specific in the franchise which might set out</p> <p>20 requirements for the training of bus captains, either</p> <p>21 when they commence work as a bus captain or when</p> <p>22 refresher training might be required at a later date.</p> <p>23 We will see undoubtedly later during the hearing</p> <p>24 that there are some arrangements between the</p> <p>25 administration and the bus companies with regard to</p>

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<p>1 training, but whether these arrangements have the teeth</p> <p>2 which some persons may think appropriate is a matter</p> <p>3 which may call for some questions.</p> <p>4 I would now like to take you back to the ordinance,</p> <p>5 if I could, leading on to some of the matters now that</p> <p>6 I wish to explore from those provisions that I've taken</p> <p>7 you through.</p> <p>8 Can we go back to the ordinance at page 124 of the</p> <p>9 bundle. If I could pick this up at section 35, the</p> <p>10 power of the secretary to make regulations. In</p> <p>11 particular, the item at (j), which is "regulating, in</p> <p>12 relation to the drivers of buses used by a grantee --</p> <p>13 (i) the maximum number of hours during which any</p> <p>14 such driver may be permitted to drive such a bus; and</p> <p>15 (ii) the intervals to be provided by a grantee for</p> <p>16 the rest and refreshment of such drivers ..."</p> <p>17 The first matter I would like to ask the committee</p> <p>18 is whether it is true that this topic has for some years</p> <p>19 been a bone of contention between bus franchisees on the</p> <p>20 one hand, and employees and trade unions on the other?</p> <p>21 Is that something which has been an issue for the</p> <p>22 administration for some time?</p> <p>23 CHAIRMAN: So your question is directed at Mr Lai?</p> <p>24 MR DUNCAN: Yes, it is.</p> <p>25 CHAIRMAN: You said "the committee".</p>	<p>1 to be taken on board.</p> <p>2 The other issue, for completeness, I should mention,</p> <p>3 is the financial implications of any changes to the</p> <p>4 status quo and how those financial implications should</p> <p>5 be addressed.</p> <p>6 MR DUNCAN: I think those guidelines have been amended on</p> <p>7 something like six occasions since 1998. Is that true?</p> <p>8 MR JOSEPH LAI: If my recollection is correct, yes, counsel.</p> <p>9 1999, the year 2000, 2004, 2007, 2010, and then most</p> <p>10 recently earlier this year.</p> <p>11 MR DUNCAN: Thank you. Now, they are guidelines. The</p> <p>12 ordinance itself enables regulations to be passed in</p> <p>13 that respect. Why are these the subject only of</p> <p>14 guidelines and not of regulation?</p> <p>15 MR JOSEPH LAI: Chairman, in answer to counsel's questions,</p> <p>16 I actually do not have an immediate answer to that.</p> <p>17 What I can say, first of all, with a fair degree of</p> <p>18 firmness, is that the guidelines, although they are</p> <p>19 classified as guidelines, they are meant to be observed</p> <p>20 strictly by the operators. As I said a moment ago, they</p> <p>21 are in fact observed by the operators, and they know</p> <p>22 that the Transport Department will carry out surveys to</p> <p>23 ensure that the guidelines are observed, and that if for</p> <p>24 any reason the guidelines have not been observed fully</p> <p>25 on occasions, the department will come after them for</p>
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<p>1 Mr Lai, can you respond to that?</p> <p>2 MR JOSEPH LAI: Yes. Thank you, Chairman, and thank you,</p> <p>3 counsel, for the question.</p> <p>4 I think the way I would put it is that it is</p> <p>5 an issue which has been reviewed from time to time since</p> <p>6 the guidelines which all franchised bus operators are</p> <p>7 supposed to observe, and they do observe, I should add.</p> <p>8 If I could use it in a very loose sense, it was made</p> <p>9 mandatory since 1998. Prior to that, for over ten</p> <p>10 years, as I recall it, there were guidelines on</p> <p>11 a voluntary basis, to be observed on a voluntary basis.</p> <p>12 I would say that this is an area which we have</p> <p>13 always been trying to improve. In doing so, of course,</p> <p>14 we need to consider all sorts of factors, including the</p> <p>15 feasibility of any changes and improvements, in terms of</p> <p>16 the impact on the actual operation of the operators, how</p> <p>17 they would deal with the need for any additional drivers</p> <p>18 that may be required as a result, how they would recruit</p> <p>19 and train the necessary drivers, and so on. At the same</p> <p>20 time, according to my understanding, whilst the bus</p> <p>21 drivers would perhaps welcome an improvement in that</p> <p>22 aspect, at the same time there is also the concern that</p> <p>23 the take-home pay should not be affected in a negative</p> <p>24 sense.</p> <p>25 So there are a whole range of issues that will need</p>	<p>1 explanation, and the operators are obliged to provide</p> <p>2 the explanation.</p> <p>3 As to exactly why there have not been regulations in</p> <p>4 the sense of subsidiary legislation being made, I am</p> <p>5 afraid I don't have an immediate answer to that, but</p> <p>6 I suppose -- and I am surmising here now -- that it is</p> <p>7 the way we approach the whole regulatory regime, we seek</p> <p>8 to do that through various means, and if one means, ie</p> <p>9 the issue of guidelines, has proved feasible and</p> <p>10 workable, then to us that is also a means of achieving</p> <p>11 the objective of ensuring that the drivers will have the</p> <p>12 necessary rest time, and so on.</p> <p>13 CHAIRMAN: Mr Lai, you have said twice that you are unable</p> <p>14 to give an immediate answer. Would you like the</p> <p>15 opportunity to give a considered answer, perhaps by</p> <p>16 supplying your answer in writing?</p> <p>17 MR JOSEPH LAI: Chairman, I will certainly take that up,</p> <p>18 although I should add that because we are talking about</p> <p>19 guidelines which were first laid out in 1998, I do not</p> <p>20 have full confidence that I will be able to dig out the</p> <p>21 written record at the time.</p> <p>22 But yes, of course, Chairman, we would be more than</p> <p>23 happy to give it a go.</p> <p>24 CHAIRMAN: Thank you.</p> <p>25 MR DUNCAN: You do appreciate, of course, that if this</p>

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<p>1 matter was the subject of regulation, that would enable</p> <p>2 a regulation to be passed, according to the terms of the</p> <p>3 ordinance, to make it an offence, if the content of the</p> <p>4 regulation was not conformed to.</p> <p>5 MR JOSEPH LAI: Chairman, as I mentioned in my opening</p> <p>6 statement, we see the need for the franchise operators</p> <p>7 to ensure safety in the operations, very much part of</p> <p>8 the proper and efficient requirement test, perhaps not</p> <p>9 the "efficient" part of it but most certainly the</p> <p>10 "proper" part of it. We take the view, we have always</p> <p>11 taken the view, that if the operator are unable to</p> <p>12 provide safe operation, either through taking</p> <p>13 initiatives on their own or following initiatives,</p> <p>14 guidelines, directives, however we might want to put it,</p> <p>15 or even legislative provisions set out by the government</p> <p>16 to ensure safety, then we would argue that, if that</p> <p>17 failure is on a consistent basis, the franchisee's</p> <p>18 ability to provide proper service is in doubt.</p> <p>19 MR DUNCAN: But then your only remedy would, as I understand</p> <p>20 it, be to take action under that what I described as the</p> <p>21 drastic provision of withdrawing the franchise?</p> <p>22 MR JOSEPH LAI: Chairman --</p> <p>23 CHAIRMAN: You are referring to the revocation provision?</p> <p>24 MR DUNCAN: Yes.</p> <p>25 CHAIRMAN: Remind us, if you would -- where do we find that?</p>	<p>1 MR JOSEPH LAI: Chairman, not being a lawyer, the way I read</p> <p>2 section 22(2) is this. Subsection (2) says the</p> <p>3 financial penalty may be imposed for failure to comply</p> <p>4 with franchise or this ordinance or any direction of or</p> <p>5 requirement, and so on and so forth, or with any</p> <p>6 programme or any approval.</p> <p>7 So there is a series of "ors", alternative</p> <p>8 scenarios. I have noted the Transport Department's</p> <p>9 written submission which says that the guidelines do not</p> <p>10 constitute direction or requirement. I was alluding</p> <p>11 a moment ago to the reference in section 22(2), to this</p> <p>12 ordinance, and this ordinance being the PBSO, in that</p> <p>13 the franchisee is obliged to provide a proper and</p> <p>14 efficient service.</p> <p>15 The proper service, I would say, I would suggest,</p> <p>16 includes the safety requirement.</p> <p>17 MR DUNCAN: That would not entitle the administration to</p> <p>18 invoke the provisions of section 22; would you agree?</p> <p>19 MR JOSEPH LAI: Chairman --</p> <p>20 MR DUNCAN: Sorry, let me -- I'm sorry for being a lawyer.</p> <p>21 We will leave this perhaps to the lawyers. But if it is</p> <p>22 only invoked by virtue of the fact that it's a breach of</p> <p>23 the franchise generally, or the ordinance, for failure</p> <p>24 to provide a proper and efficient service, the remedy of</p> <p>25 the administration in those circumstances would be</p>
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<p>1 MR DUNCAN: Section 24 of the ordinance.</p> <p>2 CHAIRMAN: Which page do we find that on?</p> <p>3 MR DUNCAN: Page 115 of the bundle.</p> <p>4 There would have to be certain procedures followed,</p> <p>5 and the matter would have to be ultimately considered by</p> <p>6 the Chief Executive-in-Council, quite a long and</p> <p>7 cumbersome process, I would imagine?</p> <p>8 MR JOSEPH LAI: Chairman.</p> <p>9 CHAIRMAN: Yes.</p> <p>10 MR JOSEPH LAI: In response to counsel's question, I would</p> <p>11 say that, yes, apart from revocation of the franchise,</p> <p>12 either the whole of it or perhaps part of it, the</p> <p>13 financial penalty provision in section 22 of the</p> <p>14 ordinance, in my opinion, could also come into play,</p> <p>15 because that refers to failure by the grantee to comply</p> <p>16 with, maybe if not the franchise, then certainly the</p> <p>17 ordinance. The ordinance does require the franchisee to</p> <p>18 provide proper and efficient service.</p> <p>19 MR DUNCAN: Just referring to that, over the weekend, when</p> <p>20 the final submissions came in, it was clarified by the</p> <p>21 Transport Department that the guidelines did not</p> <p>22 constitute either a direction or a requirement under the</p> <p>23 terms of the ordinance. So would that not inhibit the</p> <p>24 ability to invoke the financial penalty provisions of</p> <p>25 section 23?</p>	<p>1 limited to the revocation clause; would that be right?</p> <p>2 MR JOSEPH LAI: Chairman, as I was trying to suggest just</p> <p>3 now, not being a lawyer, my reading of section 22(2)</p> <p>4 should give us room, if necessary, to invite the</p> <p>5 Executive Council to impose a financial penalty, because</p> <p>6 section 22(2) refers specifically to failure by the</p> <p>7 grantee to comply with this ordinance, and this</p> <p>8 ordinance imposes the obligation on the operators to run</p> <p>9 a proper and efficient service.</p> <p>10 The proper service, I would argue -- the proper</p> <p>11 service requirement, I would argue, includes the</p> <p>12 requirement to provide a service which is safe,</p> <p>13 otherwise it cannot be proper.</p> <p>14 But, Chairman, as I said, I am seeing this from</p> <p>15 a policy point of view. This particular scenario has</p> <p>16 not been tested.</p> <p>17 MR DUNCAN: Thank you, Mr Lai.</p> <p>18 Can we move on to --</p> <p>19 CHAIRMAN: Before you move on, Mr Duncan -- by that do you</p> <p>20 mean no financial penalty has ever been invoked?</p> <p>21 MR JOSEPH LAI: Chairman, by that I mean the question of</p> <p>22 safety issue leading to an attempted use of this</p> <p>23 particular section concerning financial penalty has</p> <p>24 never been invoked thus far, so it's not tested.</p> <p>25 MR DUNCAN: So do we understand correctly from that answer</p>

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<p>1 that no financial penalty has ever been imposed for any</p> <p>2 of the reasons set out in that section, section 22?</p> <p>3 MR JOSEPH LAI: Chairman, not to my recollection or</p> <p>4 understanding. I would be more than happy to come back</p> <p>5 with a written confirmation of that, but certainly not</p> <p>6 in recent times.</p> <p>7 MR DUNCAN: Has any application ever been made to the Chief</p> <p>8 Executive-in-Council for such a penalty to be imposed?</p> <p>9 MR JOSEPH LAI: Chairman, not that I am aware of in recent</p> <p>10 times, and I think the explanation for that is that we</p> <p>11 do not see that that provision needs to be invoked,</p> <p>12 having regard to the circumstances of everything.</p> <p>13 MR DUNCAN: Can I take you now to section 36, please,</p> <p>14 page 125, which gives the power of a grantee to make</p> <p>15 by-laws for certain matters, including the safe and</p> <p>16 efficient operation of the grantee's public bus service.</p> <p>17 Have any of the current grantees made any such</p> <p>18 by-laws?</p> <p>19 MR JOSEPH LAI: Chairman, I personally can recall certain</p> <p>20 by-laws having been made, but I cannot answer right now</p> <p>21 whether each and every item set out in section 36 are</p> <p>22 the subject of by-laws which may currently be in force.</p> <p>23 I do not have the information in my hand and I would</p> <p>24 need to come back to the committee on this point.</p> <p>25 MR DUNCAN: That would be helpful, because from our search</p>	<p>1 far as I understand, will be responsible. As to whether</p> <p>2 any other authorities might be responsible, I can</p> <p>3 confirm. But generally speaking the police would be</p> <p>4 responsible.</p> <p>5 MR DUNCAN: Would you see advantages in the bus companies</p> <p>6 themselves being able to take action in this respect,</p> <p>7 rather than relying on the police?</p> <p>8 MR JOSEPH LAI: Chairman, a very off-the-cuff response: the</p> <p>9 mode of -- if we use the MTR as the reference point,</p> <p>10 Chairman, the mode of operation of buses and railways</p> <p>11 are rather different, because of the way MTR or rather</p> <p>12 the railway works, in a confined place, generally, with</p> <p>13 a lot of staff around, where backup and support will be</p> <p>14 generally -- can be made available generally rather</p> <p>15 quickly, and so on and so forth. Not being a trained</p> <p>16 law enforcer, to my mind, it may be easier to enforce</p> <p>17 whatever by-law that's in place regarding passengers'</p> <p>18 behaviour, and so on and so forth, without unduly</p> <p>19 affecting the movement of other passengers.</p> <p>20 In a bus, particularly in this day and age where</p> <p>21 there is only the bus driver in control of the bus, and</p> <p>22 if something untoward were to happen during the journey,</p> <p>23 it might be in operational terms rather more tricky to</p> <p>24 expect the driver to enforce the law.</p> <p>25 But that's really my very off-the-cuff response, but</p>
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<p>1 we can't find any such by-laws, of any of the</p> <p>2 franchisees.</p> <p>3 CHAIRMAN: Please do. Your shopping list for written</p> <p>4 submissions is growing.</p> <p>5 MR JOSEPH LAI: Thank you, Chairman.</p> <p>6 MR DUNCAN: I believe in the case of other transport</p> <p>7 providers, specifically the Mass Transit Railway</p> <p>8 Corporation, they have passed their own by-laws?</p> <p>9 MR JOSEPH LAI: The MTR do have their by-laws, yes.</p> <p>10 MR DUNCAN: Of course the advantage of that is that the MTR</p> <p>11 can take its own action, backed up by appropriate</p> <p>12 by-laws and offences under those by-laws, in respect of</p> <p>13 conduct by drivers and in respect of conduct by</p> <p>14 passengers who may be on the bus?</p> <p>15 MR JOSEPH LAI: Chairman, yes and no. As counsel reminded</p> <p>16 us a moment ago, there are regulations, Cap 230A, which</p> <p>17 provide for the regulation of the conduct of drivers and</p> <p>18 passengers. So there are already provisions in the law</p> <p>19 as it stands.</p> <p>20 The only way I could put it is that it's not as if</p> <p>21 there is a total vacuum in law on this particular</p> <p>22 subject.</p> <p>23 MR DUNCAN: Who, then, would be responsible for enforcing</p> <p>24 the regulations?</p> <p>25 MR JOSEPH LAI: Chairman, generally speaking, the police, as</p>	<p>1 that might also be the reason why having the police</p> <p>2 enforce the law might be the present arrangement.</p> <p>3 MR DUNCAN: The committee, in its submissions, has received</p> <p>4 a number of comments with regard to the conduct of</p> <p>5 drivers, on the one hand, and also with regard to the</p> <p>6 conduct of what might be called unruly passengers on the</p> <p>7 other.</p> <p>8 How often are prosecutions instituted under the</p> <p>9 regulations relating to the conduct of drivers and</p> <p>10 passengers?</p> <p>11 MR JOSEPH LAI: Chairman, if you could just give me</p> <p>12 a second.</p> <p>13 CHAIRMAN: Mr Duncan, perhaps it might assist everyone</p> <p>14 else's understanding of what you are raising, if you</p> <p>15 were to take us to one of the submissions -- I think</p> <p>16 it's KMB, is it not? -- where there is reference to</p> <p>17 increasing abuse drivers suffer from passengers.</p> <p>18 MR DUNCAN: I will find the reference to that, Mr Chairman.</p> <p>19 Thank you.</p> <p>20 MR JOSEPH LAI: Chairman, if I could answer counsel's</p> <p>21 question just now.</p> <p>22 CHAIRMAN: Yes, please do.</p> <p>23 MR JOSEPH LAI: According to the police -- and this is</p> <p>24 a piece of information which in fact was made public in</p> <p>25 2016, in reply to a question from the Legislative</p>

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<p>1 Council -- the advice by the police at the time is that 2 when there are incidents involving assault, they would 3 investigate, regardless of, obviously, the location, and 4 so on and so forth.</p> <p>5 But the police do not maintain figures on cases of 6 assault on bus captains or passengers, for that matter, 7 nor do they keep the respective prosecution and 8 conviction statistics.</p> <p>9 The police also advised at the time that if there 10 were cases of assault in a bus, for example, involving 11 whatever parties, then apart from relying on Cap 230A, 12 they could also use other pieces of legislation as may 13 be appropriate, to investigate and to prosecute. There 14 are a good number of criminal legislation which the 15 police could make use of.</p> <p>16 Thank you.</p> <p>17 MR DUNCAN: I know the provision is there. My question 18 really is aimed at how often is it actually invoked. It 19 looks as though figures are not available.</p> <p>20 MR JOSEPH LAI: Chairman, the short answer is that according 21 to the police, they do not keep such figures.</p> <p>22 MR DUNCAN: Just going back to the chairman's question, 23 I think the reference -- you will probably be aware, 24 Mr Lai -- to KMB's comments on this is to be found in 25 the KMB bundle number 1 at page 95, at paragraph 35.</p>	<p>1 either bus service generally or with the service of 2 a particular driver.</p> <p>3 So the Transport Department is working on that 4 already.</p> <p>5 We tend to think that education is perhaps more 6 important, if not equally important, than looking purely 7 on the question of enforcement. The law is already 8 there. It's to be observed. And, really, the important 9 thing is to educate the public to behave in a civil 10 manner, even though, when they feel upset, there are 11 other channels rather than resorting to physical or 12 verbal abuse.</p> <p>13 MR DUNCAN: When were these regulations last considered with 14 regard to their applicability to current circumstances?</p> <p>15 MR JOSEPH LAI: Sorry, Chairman, can I ask what regulations 16 counsel is referring to?</p> <p>17 CHAIRMAN: Yes. Perhaps you can more specific.</p> <p>18 MR DUNCAN: The regulations provided for to which I am 19 referring, which is the regulations made under the 20 ordinance, talks about the responsibilities of drivers, 21 conductors, passengers, and I'm just wondering when they 22 may have been the subject of review by the 23 administration, as to whether they cater for current-day 24 circumstances?</p> <p>25 MR JOSEPH LAI: Chairman, I believe, when -- I expect, when</p>
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<p>1 CHAIRMAN: Perhaps you would be kind enough to read that 2 out, or the relevant parts.</p> <p>3 MR DUNCAN: I quote:</p> <p>4 "A recent phenomenon which has been causing 5 considerable concern to KMB is the increasing incidence 6 of assault by passengers or other road users on its bus 7 captains. This has often resulted from tension arising 8 directly or indirectly from worsening traffic 9 congestion. While we have been doing our best to 10 institute legal proceedings against the culprits, we 11 observe that the penalties meted out in such cases have 12 generally been insufficient to have much deterrent 13 effect."</p> <p>14 I think that is the matter, and I think it's fair to 15 say that the submissions have referred not just to 16 physical abuse but also to verbal abuse of passengers. 17 Is the bureau aware of those allegations?</p> <p>18 MR JOSEPH LAI: Chairman, we are aware of the concern of bus 19 companies and bus drivers in that respect, and I could 20 add that one of the things which the Commissioner for 21 Transport and her colleagues are working on is 22 an education plan, to educate the travelling public on 23 the sort of behaviour expected of them, and also the 24 sort of complaints channels that they could or they 25 should resort to in case of any dissatisfaction with</p>	<p>1 the Transport Department in due course presents the 2 bureau with an overall plan on education and publicity, 3 they would also look into the question of, you know, how 4 the existing criminal penalty provisions in the 5 legislation should be more widely promulgated, and in 6 that connection, perhaps the need for any review.</p> <p>7 CHAIRMAN: If I could ask you to respond directly to the 8 question. The question was: when were the regulations 9 last reviewed?</p> <p>10 MR JOSEPH LAI: Chairman, we have not actually taken out 11 this particular piece of legislation for, shall I put 12 it, a thorough review, because the assumption has always 13 been that the provisions therein are not insufficient.</p> <p>14 CHAIRMAN: So there has been no review?</p> <p>15 MR JOSEPH LAI: Chairman, we have not done a review because 16 we do not think that the provisions therein are 17 insufficient. But, as I said, we do expect that when 18 the Transport Department come up with the education 19 plan, in that context they will also look into the 20 sufficiency of the provisions with a fresh pair of eyes.</p> <p>21 CHAIRMAN: Thank you.</p> <p>22 MR DUNCAN: Do I understand from those answers, Mr Lai, that 23 the bureau has actually already charged the department 24 with coming up with an education plan?</p> <p>25 MR JOSEPH LAI: Yes, Mr Chairman, that is correct.</p>

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<p>1 MR DUNCAN: When was the department given that directive?</p> <p>2 MR JOSEPH LAI: Chairman, that directive followed shortly</p> <p>3 after the very tragic accident in Tai Po, when there</p> <p>4 were a number of reports coming to us which suggested</p> <p>5 that there seemed to be some occasions of rising tension</p> <p>6 between drivers and passengers.</p> <p>7 MR DUNCAN: In essence, what is the education plan designed</p> <p>8 to address?</p> <p>9 MR JOSEPH LAI: Chairman, as I said, as regards the details,</p> <p>10 I need to await the proposals from the Transport</p> <p>11 Department, and so I would not wish to pre-empt what</p> <p>12 they will come up with for the bureau's consideration.</p> <p>13 But the overall sense of it should be, and they are</p> <p>14 aware of it, that we should remind passengers to behave</p> <p>15 in a civil and orderly manner at all times, that if they</p> <p>16 are dissatisfied with either the provisions of the bus</p> <p>17 service generally or in relation to a particular bus</p> <p>18 driver, and so on, there are complaints channels that</p> <p>19 they could go to, and that is the far more sensible way</p> <p>20 than to take out their dissatisfaction on a particular</p> <p>21 bus driver.</p> <p>22 MR DUNCAN: Has the department been given a time schedule</p> <p>23 for the plan?</p> <p>24 MR JOSEPH LAI: They have not been given a deadline as such</p> <p>25 but the department is fully aware of the urgency, so</p>	<p>1 extension to represent the Government's interests. So</p> <p>2 safety issues are one of the issues which are of concern</p> <p>3 to the government directors, and where necessary or</p> <p>4 where appropriate they will in fact raise the issues at</p> <p>5 board meetings. That has been set out in our submission</p> <p>6 to the committee dated 4 May.</p> <p>7 MR DUNCAN: We are aware that some companies from time to</p> <p>8 time may have subcommittees of the board, for example</p> <p>9 an audit committee or a safety committee, those sorts of</p> <p>10 committees. Have the government directors come across,</p> <p>11 in any cases of the franchises, to a particular</p> <p>12 committee of the board devoted to safety matters?</p> <p>13 MR JOSEPH LAI: Chairman, if you will allow me, can I invite</p> <p>14 Mr Choi to answer the question, Mr Choi being the</p> <p>15 government director?</p> <p>16 CHAIRMAN: Yes. Thank you.</p> <p>17 MR KEVIN CHOI: Thank you, Chairman, thank you, Mr Lai, and</p> <p>18 thank you, counsel.</p> <p>19 As Mr Lai said, I, as the incumbent Deputy Secretary</p> <p>20 for Transport, and also Commissioner for Transport,</p> <p>21 Ms Mable Chan, we are the two persons being appointed as</p> <p>22 the directors representing by the government, appointed</p> <p>23 by the Chief Executive to sit on the board of the five</p> <p>24 franchised bus companies as such.</p> <p>25 We perform as one of the directors, so of course we</p>
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<p>1 they are working on it expeditiously. This is what</p> <p>2 I have asked the department to do, and they are working</p> <p>3 on it.</p> <p>4 MR DUNCAN: Can I raise another matter with you, going back</p> <p>5 to the ordinance, please, at page 108.</p> <p>6 This is section 9 and the power of the Chief</p> <p>7 Executive to appoint additional directors of the</p> <p>8 grantees. Is this a power that the Chief Executive has</p> <p>9 exercised?</p> <p>10 MR JOSEPH LAI: Chairman, yes, it is a power which the Chief</p> <p>11 Executive has exercised, and it's been exercised for</p> <p>12 a number of years.</p> <p>13 The Commissioner for Transport and the deputy</p> <p>14 secretary responsible for bus service, the incumbent</p> <p>15 being Mr Choi to my right, they have been appointed by</p> <p>16 the CE as government directors to all the franchised bus</p> <p>17 companies.</p> <p>18 MR DUNCAN: I believe at the moment there are five</p> <p>19 franchisees. Do I understand those two individuals sit</p> <p>20 on the boards of each of the five franchisee companies?</p> <p>21 MR JOSEPH LAI: Mr Chairman, that is correct.</p> <p>22 MR DUNCAN: And to what extent do the directors so appointed</p> <p>23 become concerned with safety issues on those boards?</p> <p>24 MR JOSEPH LAI: Mr Chairman, the directors are appointed to</p> <p>25 represent the government. I would argue that by</p>	<p>1 represent the Government's interests, but at the same</p> <p>2 time we are also one of the many directors to look after</p> <p>3 the company matters in a strategic manner. So we do</p> <p>4 participate in the business as one of the many</p> <p>5 directors.</p> <p>6 As far as I know, because I have been in post since</p> <p>7 September last year, I have been attending board</p> <p>8 meetings bi-monthly or quarterly of these boards. They</p> <p>9 do run audit committee or some form of audit programmes</p> <p>10 in their daily life or their everyday operations, which</p> <p>11 cover proper and efficient service part of it and also</p> <p>12 the safety part of it.</p> <p>13 So indicators like accident rates and lost trip</p> <p>14 rates are examined by -- reported from the management to</p> <p>15 the board, through board papers, and we are also copied</p> <p>16 in and have a copy for reference.</p> <p>17 Unfortunately, I would say that we don't really sit</p> <p>18 on the audit committee per se.</p> <p>19 MR DUNCAN: Would you see value in these companies operating</p> <p>20 safety committees on which government directors might be</p> <p>21 members?</p> <p>22 MR KEVIN CHOI: Well, chairman and counsel, thank you for</p> <p>23 your question. As Mr Lai has mentioned in the opening</p> <p>24 remarks, franchisees are given the duty and the</p> <p>25 responsibility for it to run its franchise properly and</p>

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<p>1 efficiently, to this extent. And of course, if there 2 are improvements in the governance and also especially 3 in the aspect of safety, we will see how best the 4 government directors should join efforts on this end. 5 Of course, we do look forward to better governance 6 and also more focused on the safety part of it, for the 7 franchisee to discharge its duties in carrying out 8 a proper and efficient franchised bus service in 9 Hong Kong. 10 MR DUNCAN: Thank you, Mr Choi. 11 Can I refer now the members from the bureau to the 12 forward planning programme provisions of the ordinance, 13 in particular section 12A. 14 CHAIRMAN: If you are going to move to another topic, we are 15 intending to take a short morning break, to give the 16 witnesses some recovery time. Would this be 17 a convenient moment? 18 MR DUNCAN: Indeed it would, Mr Chairman. 19 CHAIRMAN: We will take 15 minutes now. 20 MR DUNCAN: Thank you. 21 (11.32 am) 22 (A short adjournment) 23 (11.48 am) 24 CHAIRMAN: Yes, Mr Duncan. 25 MR DUNCAN: Thank you, Mr Chairman.</p>	<p>1 the department and the bus operators. 2 MR DUNCAN: Could I ask you to turn to the schedule, please, 3 page 126, where you will see the contents of the 4 programme set out. 5 Has the bureau issued any proposals to the 6 department with regard to what the programme should 7 contain over and above the specific provisions of 8 clauses (a) through to (g)? I brought to your attention 9 the catch-all provision of item (h), "any other 10 matters", and my question is whether the bureau has at 11 any time suggested to the department what matters should 12 be included in the five-year plan. Was that something 13 you leave to the department? 14 MR JOSEPH LAI: Chairman, we do know, from the content page 15 of the most recent FPP provided to the committee, the 16 committee will also know that there are certain broad 17 subjects, or broad subject headings in at least some of 18 the FPP, which are over and above what is strictly 19 required as set out in the schedule. 20 For example, one of the bus companies, they do 21 provide certain information on staff training, bus 22 driver training to be more exact. I have been given to 23 understand that this is the result of discussion between 24 the department and the bus operators, but I cannot 25 confirm one way or another whether that is very much the</p>
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<p>1 Mr Lai, I was going to refer you to section 12A of 2 the ordinance, please, at page 109. 3 CHAIRMAN: Yes. 4 MR JOSEPH LAI: Yes. 5 MR DUNCAN: You will recall I had taken you to this when we 6 went through the provisions initially. This is the 7 section that deals with the five-year forward planning 8 programme. 9 We saw that the matters that could be contained in 10 the programme are set out in the schedule, at page 126. 11 If you look at page 109, subsection (4) -- I brought 12 your attention to the provision whereby if there was any 13 disagreement or a failure to reach agreement, between 14 the commissioner and the franchisee, the point of 15 disagreement could be referred to the secretary for his 16 resolution. 17 Has the secretary ever been called upon to resolve 18 such a disagreement? 19 MR JOSEPH LAI: Chairman, no, not that I am aware of, 20 because -- I suppose the way to explain it is the 21 forward planning programme is often a result of many 22 rounds of iterative or reiterative discussion process 23 between the Transport Department and the franchised bus 24 operators, so that -- usually, by the time the programme 25 is finalised, it will have obtained the consent of both</p>	<p>1 department's initiative or whether the department was 2 acting under some specific request by the bureau. 3 I suspect it's more than likely to be the former. 4 CHAIRMAN: I think Mr Duncan's question was directed to 5 another issue, and that is whether or not the bureau has 6 issued any proposals to the Transport Department as to 7 what should be contained in a five-year plan. 8 MR JOSEPH LAI: Chairman, the short answer to that is 9 I cannot recall any specific directive of the sort you 10 suggested or you alluded to. The starting point, the 11 basic point, is always that everything in the schedule 12 should be in the programme, and if the department is 13 able to secure, through discussion with the bus 14 companies, further information, then that would be 15 reflected in the individual programmes. 16 CHAIRMAN: So no directive to the Transport Department? 17 MR JOSEPH LAI: Not in this context. 18 CHAIRMAN: Thank you. 19 MR DUNCAN: Mr Lai, I'm going to leave the regulatory regime 20 now, and if I could take you back to the terms of 21 reference again. 22 Just to remind us all, with regard to paragraph (b) 23 of the terms of reference, the committee is also charged 24 to examine the monitoring system for franchised buses, 25 and it's that that I wish to explore with you briefly,</p>

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<p>1 if I could.</p> <p>2 It is clear from the submissions that the committee</p> <p>3 has received that the companies, as a matter of</p> <p>4 practice, furnish the department with quite</p> <p>5 a significant supply of written documentation, either on</p> <p>6 a monthly or on a quarterly basis, with regard to the</p> <p>7 operation and the management of the bus franchisees.</p> <p>8 You are no doubt aware of that?</p> <p>9 MR JOSEPH LAI: Yes.</p> <p>10 MR DUNCAN: Does the bureau require the department to</p> <p>11 undertake any sort of verification process with regard</p> <p>12 to the written documentation which is provided to the</p> <p>13 department?</p> <p>14 MR JOSEPH LAI: Chairman, if I seek a clarification on</p> <p>15 counsel's question. Counsel is asking whether the</p> <p>16 bureau has asked the department to check that the</p> <p>17 information provided by the companies, the information</p> <p>18 itself is truthful or accurate.</p> <p>19 MR DUNCAN: Yes, that is so.</p> <p>20 CHAIRMAN: Yes, that's Mr Duncan's question.</p> <p>21 MR JOSEPH LAI: The short answer to that is that we expect</p> <p>22 the department to take the necessary action to ensure</p> <p>23 the truthfulness of the information, without the bureau</p> <p>24 having to actually ask or remind the department to do</p> <p>25 that.</p>	<p>1 obviously, by receiving and considering the records</p> <p>2 prepared by the bus companies. A considerable amount of</p> <p>3 the monitoring process is done in that way. Has the</p> <p>4 bureau issued any proposals/suggestions to the</p> <p>5 department as to the extent to which the department</p> <p>6 should be monitoring the activities of the bus companies</p> <p>7 directly, rather than relying on records that the bus</p> <p>8 companies provide to the department?</p> <p>9 MR JOSEPH LAI: I suppose the answer to this is perhaps</p> <p>10 a rather long-winded one, counsel, if you would allow</p> <p>11 me, and Chairman, if you would allow me.</p> <p>12 There are checks and balance features built into the</p> <p>13 overall regulatory and monitoring system, and all those</p> <p>14 checks and balances are basically either endorsed by the</p> <p>15 bureau or, at the very least, are initiatives which the</p> <p>16 bureau is aware of. Those include, for example -- just</p> <p>17 to quote a few examples -- I referred a moment ago to</p> <p>18 the survey on bus captain rest hours, rest time. There</p> <p>19 are also daily spot-checks conducted by the department</p> <p>20 on buses in service. So every day they will pick 14</p> <p>21 buses which are supposed to go into service, they will</p> <p>22 pick the 14 buses at random, and they will be subject to</p> <p>23 testing/examination by the Transport Department's own</p> <p>24 vehicle examiner. This is again quite apart from</p> <p>25 whatever information bus companies provide on the safety</p>
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<p>1 Of course, under the franchise, if I recall</p> <p>2 correctly, there is also the requirement, in broad</p> <p>3 terms -- and I'm not sure it will cover each and every</p> <p>4 scenario or each and every piece of information to be</p> <p>5 provided by the operators -- but I do recall there is</p> <p>6 a provision which requires the bus companies to ensure</p> <p>7 that information provided to the commissioner is</p> <p>8 accurate and is truthful.</p> <p>9 So there is also that requirement on the part of the</p> <p>10 operators to follow, to observe.</p> <p>11 And I know, for example, that the department, as</p> <p>12 a matter of fact, on certain issues at least, that they</p> <p>13 will take action on its own, just to double-check to</p> <p>14 ensure the veracity of the information. For example, in</p> <p>15 the case of the bus drivers' rest time and working</p> <p>16 hours, for example, they do provide -- the department</p> <p>17 does engage contractor to conduct independent survey, ie</p> <p>18 independent of the bus companies, to check that the bus</p> <p>19 companies do observe the guidelines, quite apart from</p> <p>20 whatever information is received by the department from</p> <p>21 the bus companies.</p> <p>22 MR DUNCAN: Yes, and of course that's a matter that we will</p> <p>23 explore further with the department.</p> <p>24 But leading on from that answer, can I ask you this.</p> <p>25 A lot of the monitoring process is carried out,</p>	<p>1 of their buses.</p> <p>2 These are just two examples I can think of offhand</p> <p>3 of the sort of mechanism that we have built in with the</p> <p>4 policy endorsement of the bureau, to check against</p> <p>5 what's provided as a matter of course by the bus</p> <p>6 companies.</p> <p>7 Of course, as you will have noticed from the written</p> <p>8 submissions by the Transport Department, if there is</p> <p>9 doubt on either the accuracy or the comprehensiveness of</p> <p>10 whatever information is provided by the bus companies,</p> <p>11 then the Transport Department does go after the bus</p> <p>12 companies and ask for more complete information.</p> <p>13 That has been built up very much over the years, as</p> <p>14 very much part and parcel of the overall mode of</p> <p>15 operation of the department, and I think we have come to</p> <p>16 a stage when, you know, certain things are being done</p> <p>17 because colleagues know what is expected, without the</p> <p>18 need for any further specific written directives.</p> <p>19 CHAIRMAN: So does it come to this, that there have been no</p> <p>20 such directives to the Transport Department because they</p> <p>21 are doing the job that you would expect them to do?</p> <p>22 MR JOSEPH LAI: Basically, Chairman, I think that would be</p> <p>23 a fair way of putting it.</p> <p>24 MR DUNCAN: I want to move away from monitoring, about which</p> <p>25 we will ask the department more later, but turning from</p>

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<p>1 monitoring to the general topic of safety policies. 2 There are a number of matters I would like to explore 3 with you in that respect, Mr Lai. 4 The submissions from the bus companies indicate that 5 they themselves will explore from time to time new 6 safety technology that might be available, new safety 7 measures that might be introduced. Does the bureau 8 itself undertake research, domestically or 9 internationally, to understand what new initiatives 10 might be available with regard to technology or general 11 safety measures? 12 MR JOSEPH LAI: Chairman, the division of labour between the 13 bureau and the department is such that generally the 14 research which counsel alluded to is done by the 15 Transport Department rather than by the bureau, because 16 at the bureau we really do not have the necessary 17 expertise to do that, whereas in the department we have 18 a team of traffic engineers who are, you know, more -- 19 and also electrical and mechanical engineers who are 20 more well-versed, shall I say, in this sort of thing. 21 And they do carry out research of that sort, as 22 evidenced, for example, by the adoption and introduction 23 of the black box and the speed limiters installed in all 24 buses. Also as evidenced more recently, as this 25 committee will be aware, following the tragic accident</p>	<p>1 safety programme, looked at overall, from one of the 2 other franchisees. Could that be the case? 3 MR JOSEPH LAI: Chairman, I do not know enough about the 4 exact details of how things are done on a day-to-day 5 basis at the company, to say definitively "yes" or "no". 6 But I would not be surprised if there is some 7 difference. 8 So if we were to request or to require the 9 setting-up of a safety programme of the sort counsel has 10 in mind, there are of course a few things we would need 11 to discuss with the operators, including, for example, 12 what the programme should look like, should we insist 13 for one size fits all, or should we accept that 14 company A may come up with certain programme with 15 different emphasis and focus, company B with a slightly 16 different set of focus. 17 So those are sorts of the things obviously we would 18 need to sort out. 19 MR DUNCAN: Many countries have adopted the international 20 standard ISO -- I think it's 39001 -- road safety 21 management system, and if I'm not wrong the Road Safety 22 Committee has constantly advocated for the adoption of 23 that in Hong Kong. 24 Has the bureau considered adopting the road safety 25 management system for Hong Kong?</p>
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<p>1 in Tai Po, the setting up of a working group, chaired by 2 the Transport Department, with participation by the 3 franchised bus operators, to look into possible 4 additional safety equipment or safety features that 5 could be installed on our franchised buses, the details 6 of which are already set out in one of the Transport 7 Department's submissions. 8 So, yes, we do that. 9 MR DUNCAN: Has the bureau considered the possibility of 10 a requirement whereby the individual bus franchisee 11 should be required to draw up a composite approved 12 safety programme, as opposed to dealing with individual 13 safety issues on an ad hoc sort of basis? 14 I'm suggesting the possibility of a safety programme 15 equipped with suitably qualified personnel with a safety 16 background and with the requisite qualifications and 17 experience. 18 Is that a matter that has been considered at all by 19 the bureau? 20 MR JOSEPH LAI: Chairman, no, not in a structured or 21 detailed way. However, since the question is put to me 22 this morning by counsel, my first instinct would be, 23 yes, we would be more than happy to look into that. 24 MR DUNCAN: As I understand the current situation, one of 25 the bus franchisees might have a totally different</p>	<p>1 MR JOSEPH LAI: Chairman, this is a rather new standard, as 2 far as I know. It's a standard which -- again, if 3 I haven't got it wrong -- is normally used by transport 4 and logistics companies, rather than by public 5 authorities per se. 6 The question of whether we would encourage or we 7 would ask bus companies to adopt this particular ISO, 8 I would suggest could perhaps be looked at in 9 conjunction with the earlier idea, counsel, you put 10 across to me, ie the safety programme, whether -- 11 I suppose there is some logic in policy terms to look at 12 the two issues together. 13 No, I wouldn't rule that out as a matter of 14 principle. I think really the question to ask is, you 15 know, what the cost and benefit of the adoption of the 16 ISO is. Again, if we have companies with different 17 stages of readiness regarding the adoption of the ISO, 18 what should done about that, and so on? 19 We would like to look into that and we have an open 20 mind about it. 21 MR DUNCAN: Can I take it from that that that's not really 22 been a matter considered to date by the bureau? 23 MR JOSEPH LAI: Chairman, I think that is not an unfair way 24 of putting it, because it is a relatively new ISO, as 25 far as I'm aware. It's been around for only a few</p>

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<p>1 years. In terms of standard and so on, it is still 2 relatively new. But we are happy to look into new 3 ideas.</p> <p>4 CHAIRMAN: Mr Duncan, we have a copy of the ISO 39001, do we 5 not? Does it state on its face when it came into being?</p> <p>6 MR JOSEPH LAI: Mr Chairman, the document can be found at 7 miscellaneous bundle 2 at page 645. According to that 8 document, at page 646, it was issued in 2012.</p> <p>9 CHAIRMAN: And that's the first edition. Yes, thank you.</p> <p>10 MR DUNCAN: Hong Kong, the geography of Hong Kong, Mr Lai, 11 is such that we have almost a peculiar situation whereby 12 double-decker buses are visible on very steep and very 13 narrow roads onto which pedestrians often spill.</p> <p>14 How much of those sorts of situations are taken into 15 account by the bureau with regard to the general topic 16 of safety in Hong Kong?</p> <p>17 MR JOSEPH LAI: Chairman, road design and how it affects 18 safety is one of the tasks which our colleagues in the 19 Transport Department, in particular the transport 20 engineering team, look into very much as part of their 21 routine. By "routine" I do mean as a day-to-day task.</p> <p>22 So either after a particular accident or 23 a particular spate of accidents, or as part of their 24 normal review process, they will look into the safety of 25 a particular stretch of road and see what can be done to</p>	<p>1 MR JOSEPH LAI: You are talking about the road safety --</p> <p>2 MR DUNCAN: The ISO system, yes.</p> <p>3 MR JOSEPH LAI: This ISO 39001, no. I think -- sorry, yes, 4 it is correct to say that there have not been any 5 discussion on this as such. As I explained, this is, to 6 us, a relatively new ISO, although introduced in 2012, 7 still at a relatively youthful stage, shall I say. But 8 we also note that a growing number of transport and 9 logistic companies are using that.</p> <p>10 So, yes, now that the matter has been drawn to our 11 attention on this particular ISO, as I said, we will be 12 more than happy to look into its applicability in 13 Hong Kong, in conjunction with the franchised bus 14 operators.</p> <p>15 MR DUNCAN: Can I turn to the topic of manpower supply. The 16 submissions that the committee has received would 17 indicate that there has been a shortage of persons who 18 are either qualified or willing to undertake the duties 19 of a bus captain, and this shortage has been with us for 20 some time now.</p> <p>21 Is that a fair summary of the situation?</p> <p>22 MR JOSEPH LAI: Chairman, I would say that this is perhaps 23 a reflection of the rather tight labour supply situation 24 in Hong Kong. Yes, it exists not only in franchised bus 25 companies but also in other transport-related companies,</p>
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<p>1 improve the safety situation and whether, if necessary, 2 certain restrictions should be placed on that particular 3 stretch of road, restrictions including speed limit, 4 including the type of vehicles which can access the 5 particular stretch, and so on and so forth.</p> <p>6 So, again, this is part of their ongoing job. For 7 example, if a place has been designated a black spot -- 8 there is a very objective yardstick for determining 9 whether a particular spot is a black spot, usually by 10 reference to the number of accidents within a certain 11 period -- then they will take a particularly closer look 12 at that spot to see whether any of the changes 13 I referred to a moment ago should be considered.</p> <p>14 As I say, it's not a purely reactive process in the 15 sense that they also take the initiative to look at 16 other stretches of roads which are not black spots as 17 such but they feel would require looking into or 18 reviewed.</p> <p>19 MR DUNCAN: I take it from those answers that there have to 20 date been no discussions between the bureau and the 21 department with regard to the responsibility of 22 introducing into Hong Kong, either directly or through 23 the bus companies or other transport companies, the road 24 safety management system to which I have referred? Is 25 that correct?</p>	<p>1 and in fact in logistics-related companies as well.</p> <p>2 MR DUNCAN: One of the matters the department has brought to 3 the attention of the commission -- and I'm sure you are 4 aware of this -- is that, as a result of the latest 5 guidelines to which you have already referred, something 6 like 250 additional bus drivers would need to be 7 employed. Are you aware of that?</p> <p>8 MR JOSEPH LAI: Yes, I am aware of that, Mr Chairman.</p> <p>9 MR DUNCAN: In your submission, you stated that Hong Kong is 10 one of the few places in the world where the franchised 11 bus service is provided by private companies, without 12 any direct subsidies. Do you recall that being in your 13 submission?</p> <p>14 MR JOSEPH LAI: Yes, Mr Chairman, although, if the chairman 15 would allow, to be absolutely precise, I said "generally 16 without direct subsidies".</p> <p>17 CHAIRMAN: Perhaps you would like to refer to the passage to 18 which Mr Duncan is referring.</p> <p>19 Is that on the screen now, Mr Duncan? 20 I think that deals with a separate issue, does it 21 not?</p> <p>22 MR DUNCAN: Yes, that's a related but separate issue, 23 Mr Chairman. I think it's --</p> <p>24 CHAIRMAN: Your qualification is that that is a general 25 observation, Mr Lai?</p>

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<p>1 MR JOSEPH LAI: Mr Chairman, I was just trying to clarify --</p> <p>2 sorry for appearing to be pedantic. I heard Mr Duncan</p> <p>3 say that in my opening statement I said there was</p> <p>4 absolutely no government subsidies. I was trying to</p> <p>5 clarify that it's not absolutely no subsidies. It's</p> <p>6 generally no direct subsidies.</p> <p>7 MR DUNCAN: Yes, I'm sorry.</p> <p>8 Let us go to paragraph 14. Or perhaps you could</p> <p>9 locate where you have referred to this in your</p> <p>10 submission. The passage relates to the question of</p> <p>11 subsidies and the fact there are no direct subsidies.</p> <p>12 Is it paragraph 14?</p> <p>13 MR JOSEPH LAI: It is paragraph 14, that might be the one,</p> <p>14 yes.</p> <p>15 MR DUNCAN: Let me quote directly from that.</p> <p>16 MR JOSEPH LAI: In our submission dated April, yes.</p> <p>17 MR DUNCAN: "It should be noted that Hong Kong is one of the</p> <p>18 very few cities/jurisdictions in the world where the</p> <p>19 franchised bus service is provided by private companies</p> <p>20 without direct government subsidies."</p> <p>21 That was the passage to which I was referring.</p> <p>22 MR JOSEPH LAI: Yes.</p> <p>23 MR DUNCAN: Does the government provide indirect subsidies</p> <p>24 to the franchisees?</p> <p>25 MR JOSEPH LAI: Chairman, there are a few examples which</p>	<p>1 provide subsidy to help the company put up realtime</p> <p>2 arrival display panels at bus stops. That is on</p> <p>3 a matching basis, a dollar-to-dollar matching basis.</p> <p>4 But otherwise, apart from the few specific targeted</p> <p>5 subsidies, yes, it is fair to say that the government</p> <p>6 does not provide subsidy to the operators as such.</p> <p>7 MR DUNCAN: Does the government provide subsidies to certain</p> <p>8 ferry companies?</p> <p>9 MR JOSEPH LAI: We provide special helping measures, that is</p> <p>10 the terminology of the programme -- in counsel's</p> <p>11 wording, it's "subsidy", and I will not dispute the use</p> <p>12 of word -- for ferry service to outlying islands,</p> <p>13 specifically to outlying islands. The specific policy</p> <p>14 consideration is that ferry is the only transport means</p> <p>15 for people who live in the outlying islands, and those</p> <p>16 ferries are financially not viable, and that is</p> <p>17 a chronic problem, unless we go for a huge hike in the</p> <p>18 fare, which we do not think the public will be able to</p> <p>19 afford.</p> <p>20 So there is a particular background to that special</p> <p>21 helping measure programme.</p> <p>22 CHAIRMAN: How is that special helping measure implemented?</p> <p>23 MR JOSEPH LAI: Could I invite Mr Choi, who looks after that</p> <p>24 on a day-to-day basis, to explain?</p> <p>25 CHAIRMAN: Mr Choi.</p>
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<p>1 I could cite. For example, franchised buses are</p> <p>2 exempted from, first, registration of tax. That is</p> <p>3 perhaps one of the more clear examples.</p> <p>4 The other reason, Mr Chairman, why I said in my open</p> <p>5 statement that government generally does not provide</p> <p>6 subsidies is sort of -- it's meant to be elaboration of</p> <p>7 the written submissions we provided. In recent times,</p> <p>8 over the years, we do provide some form of financial</p> <p>9 assistance to franchised buses, to pursue a particular</p> <p>10 initiative or to pursue a particular programme.</p> <p>11 To give this committee an example, the trial and</p> <p>12 testing of electric buses, this is an initiative by the</p> <p>13 Environment Bureau rather than by the THB, but</p> <p>14 nonetheless it is a government subsidy, and the subsidy</p> <p>15 is provided to the bus companies to procure a certain</p> <p>16 number of electric buses, on a trial basis.</p> <p>17 So it is a form of subsidy, if you will, for</p> <p>18 a targeted means.</p> <p>19 We also provide --</p> <p>20 CHAIRMAN: Am I right in remembering that that involves four</p> <p>21 buses, four electric buses?</p> <p>22 MR JOSEPH LAI: That involves 36 single-deckers,</p> <p>23 Mr Chairman.</p> <p>24 CHAIRMAN: Thank you.</p> <p>25 MR JOSEPH LAI: Another more recent example is that we</p>	<p>1 MR KEVIN CHOI: Thank you, Mr Chairman, and thank you,</p> <p>2 counsel, for that particular question.</p> <p>3 As Mr Lai has said, the outlying island ferry routes</p> <p>4 are a specific case for which the government has</p> <p>5 provided some special helping measures. There are six</p> <p>6 such routes that we are providing special helping</p> <p>7 measures, and the scheme is under review for the time</p> <p>8 being.</p> <p>9 Basically, the government, as Mr Lai said,</p> <p>10 recognises that unless we have a very huge hike of ferry</p> <p>11 fares for these outlying islands, residents who rely on</p> <p>12 these ferry services to come to town, say for their</p> <p>13 office and other duties, otherwise these ferry services</p> <p>14 are not viable.</p> <p>15 Under these special helping measures, the government</p> <p>16 undertook to subsidise individual items. For example,</p> <p>17 maintenance fees, electricity bills, some concession</p> <p>18 costs or insurance premium, or like also revenue forgone</p> <p>19 when they are introducing elderly or child concessions,</p> <p>20 so the costs of such measures.</p> <p>21 The special helping measures identified individual</p> <p>22 items and subsidised these areas. The government</p> <p>23 undertook to the Legislative Council to get the funding</p> <p>24 approval from the Finance Committee of LegCo, and then</p> <p>25 we provided this public money to ferry operators, as</p>

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<p>1 I said, over those items, and we have an audit programme 2 through the Transport Department to consider whether 3 those costs are true or not and also to ensure that the 4 public moneys are well spent. 5 So that's the case for the special helping measures. 6 MR DUNCAN: Thank you. 7 Going back to the manpower separation, Mr Lai, 8 I wonder if you could be shown bundle TD-5 at page 1510. 9 This is a document that came to the commission just over 10 the weekend, and you may or may not have seen this. 11 MR JOSEPH LAI: Yes. It's notes of a meeting; is that 12 right? 13 MR DUNCAN: Yes, minutes of the meeting. It's in the 14 Chinese language. 15 It appears to be extracts from a special meeting 16 held by the Sham Shui Po District Council on 17 28 September 2017, following from the tragic accident in 18 Sham Shui Po. 19 My interest is in particular with regard to 20 page 1523 of the document. 21 MR JOSEPH LAI: Yes, Mr Chairman. 22 MR DUNCAN: It's paragraph 203(iii). 23 MR JOSEPH LAI: Yes. 24 MR DUNCAN: If I could read the translation with which I've 25 been provided. It reports a chief transport officer of</p>	<p>1 you are eligible to make the application, ie the 2 application for a driving licence for commercial 3 vehicles. 4 Because of the chronic manpower shortage, we have 5 proposed, and the trade as well as Legislative Council 6 have agreed, that the three-year period could be reduced 7 to a one-year period. So in future, all you need is to 8 have a private car driving licence for one year before 9 you can apply for a driving licence for a commercial 10 vehicle. Commercial vehicles include, of course, buses, 11 and that includes of course franchised buses. 12 We are drafting the amendment legislation, and we 13 hope to be able to introduce that into the Legislative 14 Council before the end of this year. If that is passed 15 by the Legislative Council, that should also go some way 16 towards relieving the private shortage problem. It may 17 not provide a total answer, but hopefully it will 18 provide some relief. 19 On our part, that's what we have been doing. But 20 yes, having said that, we do also think that it's part 21 of the franchised bus companies, as the franchisee, to 22 take all reasonable measures to ensure that they have 23 the necessary number of drivers to provide service. 24 MR DUNCAN: Given the statement to which I referred, what 25 steps has the administration taken with the bus</p>
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<p>1 the department saying that the government is concerned 2 about manpower shortage and that bus companies had 3 responsibilities to increase salary, fringe benefits and 4 promotion prospects, in order to attract new blood. 5 Is that a fair translation of what you are reading 6 in the Chinese? 7 MR JOSEPH LAI: Mr Chairman, yes, I would say so. 8 MR DUNCAN: Does that reflect the Government's position 9 accurately with regard to the manpower shortage? 10 MR JOSEPH LAI: Mr Chairman, I think it reflects what we 11 expect the franchise companies to do. It does not 12 reflect the full picture, because this is meant to be 13 a summary of what Mr Leung, the chief transport officer, 14 was supposed to have said. All I can say is that it is 15 part of what our position is. 16 The other part of our position, regarding the 17 chronic problem of shortage in commercial drivers, is 18 that we are taking steps to try to -- a full legislative 19 amendment, and I would be happy to elaborate on that in 20 a moment or two -- full legislative amendment to relax 21 the licensing requirement for commercial drivers. 22 So, basically, what happens is that, at present, if 23 you want to apply for a licence, a driving licence, to 24 be a commercial vehicle driver, you will have to have 25 had a private car driving licence for three years before</p>	<p>1 companies to persuade them to increase the remuneration 2 for bus captains? 3 MR JOSEPH LAI: Chairman, most recently there has been some, 4 shall I say, restructuring in the pay package of the bus 5 drivers, with a view to enhancing the package or at 6 least improving the certainty of bus drivers that they 7 would be able to take home X amount of dollars every 8 month bus drivers. 9 That is a result of a discussion between the 10 government and the bus companies, although it also has 11 to be said, in fairness to the bus companies, that they 12 reacted very quickly to the Tai Po accident, which is 13 a very tragic one, and realised that something must be 14 done very quickly about that. 15 MR DUNCAN: Have the bus companies undertaken that they will 16 increase the remuneration? 17 MR JOSEPH LAI: I think the restructured package has already 18 been announced. 19 MR DUNCAN: Given what you described as a chronic shortage, 20 would the government consider providing a subsidy in 21 respect of the added remuneration which appears to be 22 desirable? 23 MR JOSEPH LAI: When we talk about subsidy for the long-term 24 basis, we will have to consider that most carefully. It 25 does represent a rather fundamental departure to the</p>

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<p>1 basic philosophy of how the public transport system is 2 run in Hong Kong. Speaking sort of off-the-cuff, I do 3 not think that for recruitment of bus drivers we have 4 come to that stage. I think there can be means through 5 which bus companies can recruit and retain the necessary 6 number of qualified drivers.</p> <p>7 As I went through some of the documents provided by 8 some of the bus companies to this committee, it can also 9 be seen that they are doing quite a lot to improve the 10 situation.</p> <p>11 So, no, I don't think we have come to that stage of 12 having to provide subsidy for recruitment of bus 13 drivers. There are ways through which we can help ease 14 the problem, apart from what I just explained about the 15 licensing requirement. Another is about, for example, 16 the 250 drivers, counsel, you alluded to. You will be 17 aware that there is the agreement that the guidelines 18 will be introduced progressively, starting from later 19 this year, to sometime next year, 2019, and the whole 20 purpose being to enable the bus companies to have the 21 necessary turnaround time to recruit the necessary 22 number of people.</p> <p>23 The other thing we have done in the past one or two 24 years is to give priority to the driving exams of rookie 25 bus drivers. They are given priority over people who</p>	<p>1 the rather sensitive subject nowadays, since the Tai Po 2 accident, of part-time drivers. That was meant to 3 provide some relief for the manpower shortage problem, 4 but of course, as the committee will be aware, since the 5 accident, the facts means it has been suspended by the 6 companies themselves.</p> <p>7 MR DUNCAN: What proportion of the bus captains are female? 8 MR JOSEPH LAI: Sorry, Chairman, I don't have the answer 9 with me. I don't know if my colleagues have the answer. 10 No.</p> <p>11 MR DUNCAN: Would it be very low? 12 MR JOSEPH LAI: It would not be high, definitely, but, 13 Chairman, it's growing. From our point of view, we 14 would welcome more women joining the ranks.</p> <p>15 MR DUNCAN: Has the bureau taken any particular steps to 16 attract the fairer sex to the position of bus captain? 17 MR JOSEPH LAI: Chairman, not us directly. It's very much 18 a responsibility of the companies to recruit drivers. 19 But we have put across that message to them in more than 20 one or two occasions, and I know the Transport 21 Department has also been in discussion with them. And, 22 as I said, I do know for a fact that they have stepped 23 up recruitment, in fact, in that process, as evidenced 24 by, anecdotally at least, the probability of us running 25 into women driver as we take the buses.</p>
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<p>1 want to take driving exams for, for example, a private 2 car driving licence. This is against the backdrop of 3 a big and rather sustained increase in the number of 4 people who apply for driving licences, and against that 5 background the Transport Department have redeployed 6 driving examiners to give priority to bus driver 7 applicants.</p> <p>8 MR DUNCAN: Have the bus companies indicated to you that the 9 requirement for increased remuneration which has been 10 referred to in that minute is going to entail 11 considerably more expense?</p> <p>12 MR JOSEPH LAI: Chairman, this will be a fact anyway. As 13 you recruit more drivers, then of course the cost 14 generally speaking will go up. But this has not stopped 15 the bus companies from agreeing to the latest 16 guidelines.</p> <p>17 MR DUNCAN: So does the bureau have any other initiatives, 18 apart from speaking to the bus companies, lowering the 19 licence qualifications; any other initiatives whereby 20 the manpower shortage might be alleviated?</p> <p>21 MR JOSEPH LAI: We have been encouraging them to look for 22 new, unexplored or at least under-explored 23 possibilities, the recruitment of women drivers, for 24 example, and of course this is something that they have 25 been doing more in recent years; and, I have to admit,</p>	<p>1 But no, sorry, I don't have the exact figures with 2 me.</p> <p>3 MR DUNCAN: What I'm interested in is any particular 4 substantive step that either the administration or the 5 bus companies may have taken to attract females to their 6 position?</p> <p>7 MR JOSEPH LAI: Chairman, maybe this is a question which the 8 bus companies themselves would be best placed to answer. 9 CHAIRMAN: So the direct answer to Mr Duncan's question is 10 that there has been no such initiative?</p> <p>11 MR JOSEPH LAI: Sorry, Chairman -- 12 CHAIRMAN: There has been no such initiative because this is 13 a matter for the bus companies? 14 MR JOSEPH LAI: Initiative -- 15 CHAIRMAN: By the Transport and Housing Bureau. 16 MR JOSEPH LAI: Chairman, the short answer is that we do not 17 do the recruitment ourselves, but we do encourage the 18 bus companies to do that. 19 CHAIRMAN: Thank you. 20 MR DUNCAN: One of the reasons for the inquiry is the 21 unfortunate spate of accidents over the years involving 22 buses. Does the bureau conduct its own research into 23 any common causes attributable to these accidents? 24 MR JOSEPH LAI: Chairman, I was explaining a moment earlier 25 that the task of researching into the causes of</p>

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<p>1 accidents are the job of the professional colleagues in 2 the Transport Department. Quite frankly, in the bureau, 3 we are not equipped to do any research.</p> <p>4 However, there have been cases when we note that 5 something properly should have been done, and we then 6 ask or task of department to look into that.</p> <p>7 If I could quote two examples. One is the most 8 recent update of the Guidelines on Working Hours and 9 Rest, and here I am making a factual correction to the 10 written submission we made in April, because we have 11 since been able to ascertain that that review, which 12 started in 2017, was triggered from a request by the 13 bureau. So that is one example.</p> <p>14 The other example is, somewhere in our submissions 15 and also in TD's submission, we refer to the cases of 16 the broken glass doors, the exit doors in the buses with 17 glass panels, and there were a spate of accidents in 18 2016, where the glass was broken, leading to injuries 19 suffered by passengers.</p> <p>20 As it gradually became what looks like to be 21 a pattern, not one accident but two accidents and then 22 three accidents -- if I remember correctly, that was 23 within a spate of maybe two months, more or less -- we 24 suspected something might not be entirely right; there 25 might be some weaknesses in either the bus design or the</p>	<p>1 MR DUNCAN: Yes.</p> <p>2 MR JOSEPH LAI: -- then particularly if the operation of 3 buses is involved, then, yes, we would expect there to 4 be some communication between the department and the 5 bureau.</p> <p>6 MR DUNCAN: Has the bureau drawn any conclusions as to 7 whether there's any common causes threading their way 8 through these spates of accidents?</p> <p>9 MR JOSEPH LAI: Chairman, if I could ask counsel, when he 10 refers to "these spates of accidents", what spate of 11 accidents?</p> <p>12 MR DUNCAN: There were a number of accidents. Go back to 13 2003, I think it was in Tuen Mun. There was an accident 14 in Chai Wan. There was an accident in Sham Shui Po. 15 And then we had this one, this year, in Tai Po. 16 A number of quite serious fatal accidents involving 17 buses. They are the sorts of accidents I'm referring 18 to.</p> <p>19 MR JOSEPH LAI: Chairman, if you would allow me, I would 20 leave out the accident in Tai Po in my response, because 21 obviously it is subject to legal processes, and I would 22 not want to infer or suggest that we have any particular 23 view on what might have caused the accident. But 24 generally --</p> <p>25 CHAIRMAN: No. The committee has been directed not to</p>
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<p>1 quality of the glass or whatever. So we asked the 2 department to take a look at it, and they looked into 3 it, in conjunction with the bus companies, and in the 4 end the safety feature that was put in place was 5 an additional horizontal handrail across the width of 6 the glass door, to prevent -- sorry, not to prevent -- 7 but to reduce the possibility of passengers suffering 8 major injuries such as that would be suffered if the 9 passenger was thrown out of the bus.</p> <p>10 So, yes, we do try to keep track of things, and 11 where we can, when it comes to our attention, sometimes 12 we will initiate, request a review by the Transport 13 Department. Still other times the review or study would 14 be initiated by the department itself, direct, because 15 they are really at the coal face, so to speak. They are 16 the frontline department, and they have a better sense 17 sometimes than we do on what needs to be done or what 18 needs to be looked into, having regard to their 19 day-to-day interaction with the bus companies, the 20 District Council, members of the public, and so on.</p> <p>21 MR DUNCAN: Understanding that it's their domain, if they 22 found any common causes, would you expect them to relate 23 those back to the bureau?</p> <p>24 MR JOSEPH LAI: Chairman, if we are talking about causes of 25 accidents --</p>	<p>1 consider issues as to the causes and liability, but it 2 doesn't mean that we can't have regard to the accident.</p> <p>3 MR JOSEPH LAI: No. I do understand that point, 4 Mr Chairman.</p> <p>5 Generally speaking, each accident will have 6 a specific reason for it.</p> <p>7 MR DUNCAN: Yes.</p> <p>8 MR JOSEPH LAI: They could be categorised either into 9 mechanical failure on the part of the buses or the 10 design of the buses or the design of the roads, or 11 driving behaviour or passenger behaviour. Some of the 12 causes might be what we would call active involvement of 13 the bus or the bus drivers, in the sense that the bus 14 drivers are responsible or it's a mechanical failure of 15 the bus which is responsible. Some of the other 16 accidents would be the result of passive involvement of 17 the buses, in the sense that the bus, shall we say, is 18 the victim, is being rammed into from behind, for 19 example, when it's travelling perfectly normally.</p> <p>20 So there are different causes, and after each 21 accident or spate of accidents, the Transport 22 Department/THB, would look into those accidents and see 23 what improvements we might make, what lessons we might 24 learn from that.</p> <p>25 The speed limiter and the black box was a direct</p>

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<p>1 result of another very tragic accident in Tuen Mun in 2 the year 2003.</p> <p>3 CHAIRMAN: And as a result of the experts' report, because 4 the experts recommended both those safety measures.</p> <p>5 MR JOSEPH LAI: Yes, and, as a result of that, the 6 government accepted the expert report, and that was put 7 into practice very quickly. So by now all the buses are 8 equipped with both devices, the black box and the speed 9 limiter.</p> <p>10 MR DUNCAN: You have mentioned a number of factors there: 11 mechanical failure, design of roads, driver behaviour, 12 passenger behaviour. Has the bureau been able to 13 discern a predominant feature?</p> <p>14 MR JOSEPH LAI: Chairman, no, not that I am aware of.</p> <p>15 MR DUNCAN: The chairman has just referred to measures which 16 were taken after the 2003 accident in Tuen Mun. Is it 17 correct that the accident in Sham Shui Po in September 18 2017, that was the matter which prompted a review of the 19 guidelines which was concluded in February of this year?</p> <p>20 MR JOSEPH LAI: Chairman, yes. I think it's fair to say 21 that that particular tragic accident prompted the 22 review.</p> <p>23 MR DUNCAN: The previous guidelines --</p> <p>24 CHAIRMAN: That is the working hours of bus captains 25 guideline?</p>	<p>1 MR DUNCAN: Was that also prompted by the unfortunate 2 incident at Tai Po?</p> <p>3 MR JOSEPH LAI: Yes, Mr Chairman, that would be a fair way 4 of putting it.</p> <p>5 MR DUNCAN: Can I ask you this, in conclusion, Mr Lai. What 6 would you say to the suggestion that the administration 7 has adopted a reactive approach to matters of safety 8 rather than a proactive approach?</p> <p>9 MR JOSEPH LAI: Mr Chairman, I would say that after 10 particularly serious accidents, it falls to the 11 government to try not only to look into the cause of it 12 but also to see how such accidents could be prevented in 13 future or at least to reduce the likelihood of 14 recurrence.</p> <p>15 But, as I said in my opening statement, we also seek 16 to improve safety in response not only to particular 17 accidents or incidents but in the light of changing 18 technologies, different expectation and demands, and so 19 on.</p> <p>20 So I would not say that our approach is purely 21 a reactive one, although I would agree that after 22 an accident, you have to react, and in that sense it's 23 a reactive one, and it's always tragic that you could 24 not have prevented it in the first place, but at least 25 you should try to see what might be done to prevent it</p>
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<p>1 MR JOSEPH LAI: Yes, Chairman, that's right.</p> <p>2 MR DUNCAN: The previous guidelines I think had been in 3 force since 2012; is that correct?</p> <p>4 MR JOSEPH LAI: 2010, Mr Chairman.</p> <p>5 MR DUNCAN: 2010. Thank you.</p> <p>6 And the new guidelines were issued, if I understand 7 it correctly, on 23 February this year. That's just 8 a couple of weeks after the unfortunate accident in 9 Tai Po. Is that the position?</p> <p>10 MR JOSEPH LAI: Yes, Chairman.</p> <p>11 MR DUNCAN: Now, if I understand correctly, the Sham Shui Po 12 accident also prompted the department to require more 13 monthly information from the bus companies; is that 14 correct?</p> <p>15 MR JOSEPH LAI: Chairman, yes.</p> <p>16 MR DUNCAN: For example, matters such as the traffic 17 offences of bus captains, on-board monitoring by the bus 18 companies, random checks on the black boxes, alcohol 19 breath tests of the drivers, those sorts of things.</p> <p>20 Do I understand correctly also that since the Tai Po 21 accident, a working group has been established?</p> <p>22 MR JOSEPH LAI: Yes, Mr Chairman, that is correct.</p> <p>23 MR DUNCAN: And that is to review the technical feasibility 24 of installing new safety devices on buses?</p> <p>25 MR JOSEPH LAI: Yes, Mr Chairman, that's correct too.</p>	<p>1 from happening again.</p> <p>2 MR DUNCAN: Thank you, Mr Lai.</p> <p>3 CHAIRMAN: Thank you, Mr Duncan.</p> <p>4 MR DUNCAN: Do you have any questions?</p> <p>5 MEMBER LO: I just have some minor questions. The working 6 hours guidelines talk about still keeping the special 7 shift of 14 hours. Has the bureau done any research or 8 study into if you were to totally remove the special 9 shift, what is the impact on drivers needed; how many 10 more drivers would the companies need?</p> <p>11 MR JOSEPH LAI: Chairman, I do know that the Transport 12 Department has done the research. I do not have the 13 findings at the top of my head. The commissioner is 14 right behind me. If you would allow, Chairman, the 15 commissioner could answer that question in the next 16 session.</p> <p>17 CHAIRMAN: Yes.</p> <p>18 MR JOSEPH LAI: But yes, something has been done.</p> <p>19 CHAIRMAN: If she has the information, of course, that's 20 sensible.</p> <p>21 MR JOSEPH LAI: Thank you.</p> <p>22 MEMBER LO: One more question. You mentioned about driver 23 supply is a chronic problem. That means it has been for 24 a long time. So why haven't more drastic measures been 25 put up to address the problem more directly? Because</p>

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<p>1 that has led to severe consequences in the work hours, 2 in the tiredness of drivers. Has there been any policy 3 that looks directly at this problem? 4 MR JOSEPH LAI: Chairman, I believe over these many years 5 the bus companies have, you know, come up with different 6 measures, from the recruitment of more women, to 7 recruitment of part-time drivers. I know, as I said, 8 this is now becoming a rather sensitive subject. But it 9 was introduced to help relieve the shortage problem. 10 The introduction of more benefits to the drivers; to the 11 initiative to step up recruitment locally, "locally" 12 meaning recruitment of drivers living near where the 13 depots are, because my understanding is that drivers 14 usually don't want to travel far to report for duty and 15 to travel far to get home after work. So they have been 16 looking at all those sorts of things. 17 So these are different measures. And also, 18 recruitment of retirees, to get them working again, with 19 suitable remuneration, and the improvement in 20 remuneration package, bonus and all that. 21 Prof Lo might have in mind the question of importing 22 labour, importing drivers. On this particular one, we 23 have looked into this every now and then. Our 24 conclusion is that it might not be suitable in the 25 context of bus drivers, because bus drivers need to have</p>	<p>1 So, on the day, the bus companies will have to make 2 alternative arrangements to replace that bus by another 3 bus. I suppose this operational consideration is one 4 factor that has to be taken into account. 5 The other is that this is on top of the annual 6 check, the monthly check, and whatever check which the 7 bus companies have, which the buses have to undergo; and 8 also the daily examinations which the bus companies 9 themselves are to undertake every day, before the bus is 10 sent out for service and at the end of the day when the 11 bus comes back to the depot. 12 So this surprise spot check of 14 buses is 13 an additional check and balance safeguard measure, in 14 addition to everything that's been done to ensure that 15 the bus is in a sound and proper state. 16 MEMBER AUYEUNG: Thank you. 17 Thank you, Chairman. 18 CHAIRMAN: Thank you. For my own part, I have no questions, 19 so it remains for me to thank you, Mr Lai, and thank 20 you, Mr Choi. We haven't heard from you, Ms Yip. But 21 thank you for attending, and we are grateful to the help 22 you have provided the committee in having a better 23 understanding of how the system works. 24 We will take a lunch break now and we will resume at 25 2.30, when we will hear from Ms Chan.</p>
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<p>1 very often and close interaction with passengers, where 2 the ability to communicate in the passenger's language 3 is most important. 4 So importing drivers from other places outside 5 Hong Kong may create a communication problem between the 6 imported drivers and the passengers. 7 Also, the other thing is we are right-hand drive in 8 Hong Kong, which is a rarity. 9 MEMBER AUYEUNG: Thank you, Chairman. 10 The question I have to Mr Lai is -- I think in your 11 opening statement, you mentioned that one of the safety 12 measures is that you have 14 spot-checks a day. 13 Considering the thousands of buses on the street every 14 day, can you provide some more insight into how you 15 determine this number, 14? 16 MR JOSEPH LAI: Chairman, again, this is a question which 17 I believe the commissioner would be better placed than 18 I to answer. But regardless of the exact number, how it 19 came about and the exact rationale for it, I suppose the 20 reason why the number is not bigger is that you have to 21 bear in mind, first of all, that it is a surprise check, 22 in the sense that we call in the buses on the day. So 23 there is no prior notification, no prior warning. You 24 can imagine the effect it will have on bus deployment on 25 the day.</p>	<p>1 MR JOSEPH LAI: Thank you, Chairman. Thank you, members. 2 Thank you, counsel. 3 CHAIRMAN: Thank you. 4 (1.04 pm) 5 (The luncheon adjournment) 6 (2.30 pm) 7 EVIDENCE FROM THE TRANSPORT DEPARTMENT: MS MABLE CHAN, 8 MS AMY LEE, MS RACHEL KWAN, MS MACELLA LEE, 9 MR REGINALD YK CHAN, MR TONY YAU 10 CHAIRMAN: Ms Chan and your representatives from the 11 Transport Department. May I invite you to take your 12 seats, all together, as you wish, or one at a time. 13 It's a matter for you. 14 MS MABLE CHAN: We will sit as a team. 15 CHAIRMAN: Thank you. 16 Mr Duncan, if you would commence proceedings. 17 MR DUNCAN: Thank you. 18 Ladies and gentlemen, thank you very much for 19 providing written submissions to the committee, and 20 thank you also for attending today, having been given 21 the opportunity of making any oral submissions you may 22 wish. 23 In the absence of any legal representatives of yours 24 who would perhaps normally take you through any oral 25 submissions, do you wish to make any oral submissions to</p>

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<p>1 the committee?</p> <p>2 MS MABLE CHAN: Yes, counsel, I would like to make an oral</p> <p>3 submission in front of the committee.</p> <p>4 CHAIRMAN: Yes, please do so.</p> <p>5 Opening statement by MS MABLE CHAN</p> <p>6 MS MABLE CHAN: Thank you, Chairman.</p> <p>7 Chairman, members of the committee, good afternoon.</p> <p>8 Thank you for giving us the opportunity today to appear</p> <p>9 before the committee to give oral submission on matters</p> <p>10 relating to the Transport Department's regulation and</p> <p>11 monitoring of the franchised bus operations in</p> <p>12 Hong Kong, in support of the committee's important</p> <p>13 mission in reviewing Hong Kong's franchised bus service</p> <p>14 following the occurrence of the tragic accident on</p> <p>15 Tai Po Road on 10 February 2018.</p> <p>16 Today with me is my team, including my deputy,</p> <p>17 Ms Macella Lee, and three assistant commissioners</p> <p>18 overseeing the monitoring of franchised bus,</p> <p>19 Ms Rachel Kwan, Mr Reg Chan, overseeing vehicle</p> <p>20 licensing and examination, and Mr Tony Yau, who is the</p> <p>21 chief engineer overseeing road safety and standards.</p> <p>22 We are happy to facilitate the committee's</p> <p>23 proceedings today by giving truthful and detailed</p> <p>24 evidence in order to facilitate the committee's</p> <p>25 understanding of what we know and more importantly what</p>	<p>1 performance of franchised buses, from their design and</p> <p>2 build stage, to the in-service period, through periodic</p> <p>3 examinations and inspections of vehicles as required</p> <p>4 under the regulatory framework.</p> <p>5 All of the 5,900-plus licensed franchised buses are</p> <p>6 subject to annual inspection, monthly inspections, as</p> <p>7 well as spot-checks by the Transport Department at the</p> <p>8 average rate of 14 franchised buses per day, or around</p> <p>9 3,400 buses per year.</p> <p>10 The TD conducted monthly review on bus operation</p> <p>11 safety by analysing the accident statistics derived from</p> <p>12 a database on all traffic accidents, jointly maintained</p> <p>13 by the police and TD. Should the TD find that there is</p> <p>14 a rising trend or abnormality, the TD will follow up</p> <p>15 with the respective bus operators for explanations and</p> <p>16 follow-up actions, remedial actions.</p> <p>17 We would also examine the accident trends of each</p> <p>18 bus operator annually, as part of the systematic review</p> <p>19 on the performance of the bus operators.</p> <p>20 To enable the delivery of public bus service through</p> <p>21 grant of franchise to private operators, the six</p> <p>22 franchises currently signed with the five operators have</p> <p>23 empowered the Commissioner for Transport to regulate the</p> <p>24 bus service performance levels in highly prescriptive</p> <p>25 terms, in the form of a schedule of service, ranging</p>
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<p>1 we have been doing as a regulator.</p> <p>2 The Transport Department, headed by the</p> <p>3 commissioner, is the main authority for administering</p> <p>4 the Road Traffic Ordinance and its subsidiary</p> <p>5 legislation for the management of road traffic,</p> <p>6 regulation of public transport services, and operation</p> <p>7 of major transport infrastructures, as well as the</p> <p>8 Public Bus Services Ordinance and the public bus</p> <p>9 services regulation. Both constitute the key statutory</p> <p>10 tools for the regulation of franchised bus operation in</p> <p>11 Hong Kong.</p> <p>12 The policy objective and public expectations on the</p> <p>13 Transport Department in ensuring proper and efficient</p> <p>14 franchised bus service is clearly embedded in the</p> <p>15 statute.</p> <p>16 Safety-related aspects are of utmost importance in</p> <p>17 sustaining a safe and reliable franchised bus service.</p> <p>18 The fact that safety-related defects per bus examination</p> <p>19 and number of buses involved in accidents per million</p> <p>20 vehicle-kilometres are two of the nine key indicators</p> <p>21 adopted in the annual performance assessment of the</p> <p>22 franchised bus operator speaks for itself.</p> <p>23 To ensure the roadworthiness and operational safety</p> <p>24 of franchised buses, the Transport Department, in short</p> <p>25 "TD", keeps track closely of the conditions and</p>	<p>1 from the greeting and timetable, location of bus stops,</p> <p>2 fares and concessions, to the number and types of buses</p> <p>3 deployed for each route.</p> <p>4 Pursuant to the relevant clause in the franchise,</p> <p>5 grantees are required to keep and provide information</p> <p>6 and records relating to the number of buses, passengers,</p> <p>7 journeys, as well as driver duties and establishment and</p> <p>8 strength, in order that the TD can monitor the delivery</p> <p>9 of service in accordance with the approved schedules of</p> <p>10 services.</p> <p>11 Chairman, the regulation and monitoring of bus</p> <p>12 franchises is an ongoing and evolving process. Over the</p> <p>13 years, for better delivery of franchised bus service and</p> <p>14 to enhance safety and service, the TD has signed</p> <p>15 commitment letters with bus operators pursuant to the</p> <p>16 relevant franchises, requiring them to install safety</p> <p>17 and service enhancement measures.</p> <p>18 While ensuring the delivery of franchised bus</p> <p>19 service according to the approved schedules of service,</p> <p>20 the TD pays importance to the working conditions and</p> <p>21 environment of bus captains, while reckoning that bus</p> <p>22 captains are employees of bus companies and their</p> <p>23 working conditions are parts of the latter's manpower</p> <p>24 policy.</p> <p>25 In the form of administrative requirement reached</p>

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<p>1 with mutual agreement with franchised bus operators, the 2 TD promulgated a set of Guidelines on Working Hours, 3 Rest Times, and Meal Breaks in 1998, and revised it six 4 times over the years, with the latest in 2018, for 5 franchised bus operators to follow in bus captain 6 deployment for their respective bus routes.</p> <p>7 Bus operators are required to submit regular reports 8 on the compliance with the guidelines to the Transport 9 Department, which also conducts regular surveys to 10 assess compliance with the guidelines.</p> <p>11 As far as bus captains are concerned, franchised bus 12 operators have also voluntarily made performance pledges 13 on providing training to all new recruits, and training 14 once every three years for in-service bus captains. 15 They submit information on training to the TD on 16 an annual basis for monitoring.</p> <p>17 It is obviously not realistic for the TD to perform 18 day-to-day checking of compliance of the franchised bus 19 operators and the accuracy of information and records, 20 each and every one submitted by the bus operators. As 21 far as bus service is concerned, there is check and 22 balance through monitoring by way of TD's on-site 23 surveys, passenger satisfaction surveys, and monitoring 24 of public complaints received.</p> <p>25 As far as safety is concerned, we monitor franchised</p>	<p>1 Department sees the need to enhance bus captains' safe 2 driving by institutionalising the monitoring of bus 3 companies' training arrangements, including those for 4 the new recruits, the in-service, be they full-time or 5 part-time, as well as special or remedial training for 6 those who are found to have improper driving behaviour 7 or who have been away from driving duties for a long 8 period because of sickness or other reasons.</p> <p>9 What we intend to do includes the formulation of 10 a set of new guidelines on the manpower training 11 framework, with basic requirements on modules, duration 12 and weighting, so as to provide a common basis for 13 internal monitoring and audit within individual 14 franchised bus companies.</p> <p>15 We have indeed shared our thoughts with bus 16 companies at our first two meetings of the Working Group 17 on Enhancement of Safety of Franchised Buses on 13 March 18 and 21 April 2018.</p> <p>19 The feedback has been positive. The working group 20 has pledged to complete its work by the end of June.</p> <p>21 Taking advantage of the latest technological 22 know-how on driver-assisted devices, we are also 23 discussing with the bus companies and bus manufacturers 24 to examine the feasibility of installing on new buses 25 seat belts for all passenger seats, electronic stability</p>
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<p>1 bus operators' performance by analysing the nature, 2 severity and contributing factors of accidents involving 3 franchised buses, coupled with black spot investigation, 4 trend analysis, and benchmarking with other commercial 5 vehicles in territory-wide accident statistics.</p> <p>6 Follow-up actions include quarterly reporting to and 7 monitoring by the Road Safety Council. We will also 8 follow up recommendations and our own findings through 9 road safety review, vehicle safety enhancements, and 10 regular meetings with bus operators to discuss measures 11 and proposals to improve bus captains' driving 12 behaviour.</p> <p>13 Chairman, franchised bus services have been 14 expanding over the years in terms of fleet size and 15 patronage. While the local licensed bus fleet has grown 16 by 3.24 per cent as compared with that of ten years ago, 17 to meet the increase in patronage by 37 million 18 passenger journeys in absolute terms, franchised bus 19 operators are facing an increasingly acute problem of 20 manpower shortage. It is inevitable that the bus 21 companies are exploring various means to meet manpower 22 needs by increasing the remuneration package to attract 23 new recruits, extending the retirement age of bus 24 captains, and recruiting part-time bus captains.</p> <p>25 It is against such background that the Transport</p>	<p>1 control, speed limiter to cap the maximum speed for 2 buses travelling downhill, and put on trial driver 3 monitoring device, in order to assist bus captains to 4 drive safely and improve passenger safety.</p> <p>5 All in all, the Transport Department will continue 6 monitoring of the public transport services in the 7 territory and will spare no effort in enhancing the 8 safety operation of public transport operators in 9 Hong Kong.</p> <p>10 Chairman, this concludes my statement. My team and 11 I will be happy to answer questions. Thank you.</p> <p>12 CHAIRMAN: Thank you.</p> <p>13 Mr Duncan.</p> <p>14 Examination by MR DUNCAN</p> <p>15 MR DUNCAN: Mr Chairman, thank you.</p> <p>16 Ms Chan, I am very interested to hear your remarks 17 just at the end of your submission with regard to 18 monitoring, because I think as you probably know from 19 the terms of reference of the committee, one of the 20 prime matters they have to consider -- it's item (b) of 21 the terms of reference -- is first of all the regulation 22 of the bus companies' operations, and secondly the 23 monitoring.</p> <p>24 This morning, I think you were in the auditorium 25 when questions were asked of the bureau with regard to</p>

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<p>1 regulation. I would just like to ask a few more 2 questions, please, about the monitoring process, as it 3 is at the moment, and how the monitoring process as 4 presently conducted might be in the process of change 5 from the remarks that you've made this afternoon. 6 First of all, if I could understand the current 7 process by which the monitoring is carried out. It may 8 be useful if you were to turn up, please, one of the 9 exhibits to your submission. This will be TD-2, 10 page 293. 11 You will see there a document which is tabbed 12 appendix L, and it's headed, "Records and information 13 submitted by franchised bus operators". It's one of the 14 documents that the department helpfully provided to the 15 commission. 16 Are you able to have that in front of you? 17 MS MABLE CHAN: Yes. 18 MR DUNCAN: This, as I understand it, summarises the records 19 and information which, by arrangement with the 20 operators, they are required to supply the department 21 from time to time. I think sometimes it's on a monthly 22 basis; sometimes it's on a quarterly basis. 23 Would it be true to say that, at the present time, 24 this represents the principal methods by which you 25 monitor the operation of the bus companies?</p>	<p>1 bus stops. Those on-site surveys will help us to sort 2 of do it on a random basis, in order to verify the 3 information supplied by the bus operators are on valid 4 and accurate terms. 5 Apart from that, we also conduct passenger 6 satisfaction surveys, through which we will also gather 7 feedback from the passengers on the various performance 8 levels in a more systematic manner. 9 Thank you. 10 MR DUNCAN: So those on-site surveys to which you have just 11 referred, are they referred to here in this appendix L? 12 MS MABLE CHAN: I would say that the on-site surveys 13 actually cover most of the items in appendix L. 14 MR DUNCAN: Right. But if I take you to, for example, 15 page 297 of the bundle, you see in the first box on the 16 right-hand side, "Survey conducted by an independent 17 consultant". That's a different type of survey, is it, 18 from the one you've just referred to? 19 MS MABLE CHAN: Yes. This one is a special survey that we 20 employed an independent contractor to do special 21 checking on the compliance with the guidelines. 22 MR DUNCAN: Right. So what I want to clarify for the 23 committee's consideration at the moment is what are the 24 monitoring steps over and above what is in this 25 appendix. So you mentioned during your statement</p>
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<p>1 MS MABLE CHAN: Yes, senior counsel, the records and 2 information highlighted in appendix L actually flows 3 from the requirements as specified in schedule 2 to the 4 relevant franchises we signed with the bus operators, 5 and this formed the basis for the regular monitoring by 6 TD, either on a daily or quarterly basis. 7 For those which relate to passengers, buses, 8 journeys, things like that, they are actually submitted 9 by the bus companies, through an electronic system, so 10 that -- and they are also required to upload the 11 information within seven days from which those trips are 12 made, so that the Transport Department can monitor them 13 on a frequent basis as well as on an ad hoc basis. 14 As we have stated in my opening statement, the 15 franchise has specified and empowered C for T power to 16 regulate and monitor the delivery of franchised bus 17 service in highly prescriptive terms. So this list of 18 information actually helps us to monitor the delivery of 19 the services in terms of the routes, the passengers, the 20 bus deployment. 21 But I would also like to add that this only forms 22 the basis. In order to verify whether this is actually 23 happening on the ground, the Transport Department has 24 been conducting regular on-site surveys, which include 25 inspections on trips on board the buses and also at the</p>	<p>1 spot-checks, about 14 buses a day. Can you tell us 2 a little bit more about that, please? 3 MS MABLE CHAN: Sure. For the spot-checks, it's actually on 4 top of the annual inspection and also the monthly 5 inspection of the vehicle fleet. 6 The bus operators are actually required to do their 7 monthly inspection, but as a statutory requirement, the 8 Transport Department oversees the safety and the 9 construction and maintenance fitness of the buses. So, 10 to facilitate the Transport Department in monitoring, we 11 conduct annual inspection and also monthly inspection. 12 But on top of that, in order to ensure the 13 robustness of our monitoring, the vehicle licensing and 14 inspection team will carry out unannounced spot-checks 15 of an average 14 franchised buses from the fleet in the 16 bus company. That is unannounced and that is to ensure 17 that apart from the regular inspection which the bus 18 companies may have geared up to prepare for the 19 inspection, we can conduct on a spot-check basis to make 20 sure that the buses are safe and fit for running. 21 MR DUNCAN: You mentioned regular on-site surveys. What do 22 you mean by that? 23 MS MABLE CHAN: For the regular on-site surveys, they relate 24 to the delivery of the services, including the bus 25 journeys, the passengers on board from the first stop or</p>

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<p>1 at individual stops, and also the destination, the 2 number of passengers alighting or boarding, and also the 3 bus driver deployment on the individual bus, as well as 4 whether there is any delay or change in frequency of the 5 bus deployment according to the specified frequency in 6 the approved schedule of routes. 7 MR DUNCAN: Who carries out the surveys? 8 MS MABLE CHAN: Transport Department. 9 Perhaps I can invite my deputy to fill in some 10 details about how it is actually conducted from the 11 ground, if I may. 12 MR DUNCAN: Thank you. 13 CHAIRMAN: Yes. 14 MS MACELLA LEE: Thank you, Chairman. 15 Because of the resources required, we also contract 16 out these surveys to independent consultants or 17 contractors. But of course our officers sometimes would 18 also go and look for the demand situation himself, so as 19 to better understand the situation or to go with the 20 district councillors, and so on. 21 Basically, the bulk of them is contracted out to 22 independent consultants. 23 MR DUNCAN: Are written records kept of -- 24 MS MACELLA LEE: Yes. 25 MR DUNCAN: I don't recall this, but have any samples of</p>	<p>1 on a quarterly basis to the Road Safety Council. 2 In that report, they will analyse whether there is 3 any common factor in those accidents, in order to 4 prepare for necessary improvement or remedial actions. 5 The aspects covered will include road safety, vehicle 6 safety, or human factor, including driver behaviour or 7 whether there are any common phenomena of pedestrians 8 crossing in a very dangerous way. 9 So, on a quarterly basis, we submit the report to 10 the Road Safety Council, and we will then take the 11 follow-up actions accordingly. 12 Worth noting is that should any trend or analysis 13 involving franchised bus companies, in particular the 14 driver behaviour, they will also highlight those actions 15 that need to be taken to the Bus and Railway Branch of 16 the Transport Department, and my team will then raise 17 the issue with the franchised bus operators in their 18 regular meetings, to remind them of necessary actions to 19 remind the bus captains. 20 MR DUNCAN: The portion which caught my attention was what 21 was recorded in the transcript. 22 The transcript has you recorded as saying this: 23 "Follow-up actions include quarterly reporting to 24 and monitoring by the Road Safety Council." 25 Now, is the Road Safety Council distinct from the</p>
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<p>1 those records been provided to the committee? 2 MS MACELLA LEE: As the commissioner has explained, these 3 are all on the service side, whether the services are 4 provided according to those approved by C for T. 5 So these are on the service side and we can supply 6 some examples of these surveys if required. 7 MR DUNCAN: I don't think we have seen those. That's the 8 point. So are they available if we require them? 9 MS MABLE CHAN: I can confirm that through the bundles we 10 have not provided those samples, but we can surely do. 11 MR DUNCAN: Thank you. 12 In your remarks, Ms Chan, just a few moments ago, 13 I believe you mentioned monthly undertakings by the Road 14 Safety Council, in the context of monitoring. 15 MS MABLE CHAN: Quarterly. 16 MR DUNCAN: Could you give us some details about that, 17 please. 18 MS MABLE CHAN: Sure. The Road Safety and Standards 19 Division, headed by Mr Tony Yau, who is a traffic 20 engineer, they will monitor and analyse the data about 21 accidents from a common database jointly maintained by 22 the police and the Transport Department. The purpose of 23 the monitoring is to analyse the nature, the severity 24 and also the contributing factor of the accidents. 25 Then, based on the analysis, they will provide a report</p>	<p>1 Transport Department? 2 MS MABLE CHAN: Yes. The Road Safety Council is distinct 3 from the Transport Department. Actually, can I take 4 this point to correct the flow of my wording? 5 MR DUNCAN: Yes, please. 6 MS MABLE CHAN: Actually, I would like to say that the 7 Transport Department conduct a quarterly analysis of the 8 accidents and analyse the contributing factor, the 9 nature and severity, and then we will produce quarterly 10 report to the Road Safety Council. Then the follow-up 11 actions arising from our analysis and report to the Road 12 Safety Council will include road safety review, vehicle 13 safety enhancements, and then regular meetings with the 14 franchised bus operators, to discuss means to improve 15 bus captains' driving behaviour. 16 MR DUNCAN: So that initial work that you do and provide to 17 the Road Safety Council, that's done by your conclusions 18 from the documentation that the bus companies provide to 19 you; is that correct? 20 MS MABLE CHAN: Basically, it's from the analysis done by 21 the Transport Department's road safety and standards 22 team on the accidents data collected in the common 23 database managed by the Transport Department and the 24 police. 25 MR DUNCAN: Right.</p>

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<p>1 MS MABLE CHAN: So it is an independent source, not from the 2 bus companies.</p> <p>3 MR DUNCAN: Right. What I'm trying to understand is any 4 steps the department takes to monitor the operations of 5 the bus companies, apart from relying on the records of 6 the bus companies.</p> <p>7 MS MABLE CHAN: Yes, this is true. We have our own 8 database. We do not rely just on the bus companies' 9 data.</p> <p>10 MR DUNCAN: Right. At the risk of asking you to repeat 11 a few things, can you just identify what steps you take 12 over and above considering the written information 13 provided to you by the bus companies?</p> <p>14 CHAIRMAN: Whenever there is an accident, in a particular 15 fatal accident occurred, the police will timely input 16 those data into the database. The Transport Department 17 and the police jointly maintain that database. Then the 18 Road Safety and Standards Unit, they will regularly 19 monitor that database and analyse the accidents from 20 that database. They do it independently, without 21 reliance on the bus company's information on the 22 accidents, because the bus companies' reports on the 23 accidents, they may come a bit later, or they may come 24 in the context of their annual programme provided by the 25 TD.</p>	<p>1 The Road Safety Council consists of members from 2 different bureaux, including Transport and Housing 3 Bureau, Education Bureau, police, Highways Department, 4 as well as other representatives from external members, 5 such as Hong Kong Medical Association, Hong Kong Road 6 Safety Association, Hong Kong Automobile Association, 7 Institute of Logistics, to formulate -- what we are 8 going to do then, the Road Safety Council will 9 formulate -- help the different departments, initiate 10 the department and the bureau to formulate the policy, 11 and maybe implement road safety improvement measures 12 such as updating or introducing new legislation, 13 priority in enforcement, education and publicity 14 campaign, et cetera.</p> <p>15 MR DUNCAN: Thank you.</p> <p>16 Those remarks I think have been made in the context 17 of accidents. My enquiry is more operations generally. 18 We've got an abundance of written records which are 19 supplied, but over and above that, as I understand you, 20 there is different work that the Transport Department 21 actually undertakes with regard to the operations of the 22 bus companies.</p> <p>23 You have mentioned spot-checks, about 14 buses 24 a day. I understand that. You have mentioned feedback 25 you get back from passenger surveys; I understand that.</p>
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<p>1 So we actually look into that database maintained by 2 the police and the Transport Department and then we will 3 do a quarterly review to the Road Safety Council.</p> <p>4 MR DUNCAN: Right. There, you are relying on the records 5 from the police. I'm trying to find out what work the 6 staff of the Transport Department might do independently 7 to assess the operations of the bus companies, not 8 relying on documentation of any sort. Your own work, 9 that's what I would like you to identify.</p> <p>10 MS MABLE CHAN: In that regard, I will invite Tony Yau, the 11 chief engineer, to respond.</p> <p>12 MR DUNCAN: Thank you.</p> <p>13 MR TONY YAU: Thank you, Chairman, counsel.</p> <p>14 As the commissioner mentions, we directly derived 15 the accident data from a computer system which is input 16 by the police, and we have accessibility to the system, 17 and we retrieve the accident data in doing our 18 monitoring and analysis work, including the trends, 19 number of accidents, severity, collision type, vehicle 20 types, and mainly the contributory factors.</p> <p>21 The contributory factors can be driving factor, 22 casualty factor, vehicle factor and environmental 23 factors. So if we find out any common factors or any 24 observations, we will quarterly report to the Road 25 Safety Council.</p>	<p>1 You have mentioned regular on-site surveys. Could you 2 tell me just a little bit more about that: what does 3 that consist of, who does the work, what conclusions do 4 you draw from that?</p> <p>5 MS MABLE CHAN: Perhaps I will invite Ms Lee to elaborate.</p> <p>6 MR DUNCAN: Thank you.</p> <p>7 MS MACELLA LEE: Thank you, Chairman.</p> <p>8 Because of the requirement in the law about the 9 service to be delivered by the franchised bus operators, 10 those approval by C for T include a timetable, routing, 11 stops, and also some patronage figures.</p> <p>12 What we do is we either do terminal surveys, so we 13 choose -- in a particular route, we station people in 14 the terminus to time the departures, whether the bus 15 companies have adhered to the schedules, and then on the 16 same occasion record the number of passengers boarding.</p> <p>17 In another end of the terminus, we will have the 18 arrival time, so we know the journey time, we know if 19 there are any delays in the trips, and so on. These are 20 terminal surveys or stop surveys.</p> <p>21 Another type is on-board surveys. We have surveyors 22 on the bus. At each bus stop, they will record how many 23 passengers getting down, setting down and so on. So we 24 have the detailed operational data. These data are very 25 important because all along we have to make sure that</p>

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<p>1 the operators adhere to the schedules, and especially if</p> <p>2 there are complaints saying that there are missing</p> <p>3 trips, then we will examine these reports and take up</p> <p>4 with bus companies.</p> <p>5 Another angle is the planning angle, because there</p> <p>6 are often requests for re-routing or to combine some</p> <p>7 routes, and so on, so for planning purpose we also need</p> <p>8 this data.</p> <p>9 Actually, we got these data from the bus companies,</p> <p>10 but we verify them and also do -- sometimes we will need</p> <p>11 updated figures, especially for planning purpose. So</p> <p>12 because with these records and also our on-site survey</p> <p>13 we perform this operational performance monitoring and</p> <p>14 also planning purpose.</p> <p>15 Thank you.</p> <p>16 MR DUNCAN: Thank you.</p> <p>17 I understand a lot of that work. A lot of it</p> <p>18 of course is not related to safety requirements. Is</p> <p>19 there any work done by the Transport Department</p> <p>20 independently of the records provided by the bus</p> <p>21 companies aimed at independently checking safety</p> <p>22 provisions undertaken by the bus companies? For</p> <p>23 example, the training of bus captains. Are you totally</p> <p>24 dependent on what the bus companies to inform you, or do</p> <p>25 you undertake independent assessments of safety</p>	<p>1 The bus companies have provided information in this</p> <p>2 regard in their annual programme to meet their voluntary</p> <p>3 performance pledges. We take note of the information</p> <p>4 supplied in that programme and we review their work on</p> <p>5 an annual basis.</p> <p>6 But I would like to emphasise that the Transport</p> <p>7 Department does not, as in the previous case, perform</p> <p>8 our independent checks on that, because I must admit</p> <p>9 that the training is not a requirement that flows from</p> <p>10 the franchise or that flows from the ordinance. It was</p> <p>11 actually formulated by the bus company on a voluntary</p> <p>12 basis as part of our discussions with them to improve</p> <p>13 and enhance bus safety, but there is no such legal</p> <p>14 requirement nor requirement in the franchise.</p> <p>15 So, up to the present moment, the Transport</p> <p>16 Department does not do any spot-checks or independent</p> <p>17 checking on the training provided by bus companies.</p> <p>18 MR DUNCAN: Do I take it also that there is no direction or</p> <p>19 requirement, as stipulated in the ordinance, with regard</p> <p>20 to training?</p> <p>21 MS MABLE CHAN: No.</p> <p>22 MR DUNCAN: It's all done on a voluntary basis?</p> <p>23 MS MABLE CHAN: No direction or requirement.</p> <p>24 MR DUNCAN: I'm going to go back to the records, this table,</p> <p>25 in a moment, but are you able to inform the committee as</p>
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<p>1 requirements?</p> <p>2 MS MABLE CHAN: Perhaps I can try to answer on that. The</p> <p>3 safety-related aspects, I have mentioned two of them,</p> <p>4 two of the nine key indicators, including safety-related</p> <p>5 defects per bus examination. Senior counsel has asked</p> <p>6 a minute ago about our 14 spot-checks. Perhaps on that</p> <p>7 I can ask the assistant commissioner to elaborate</p> <p>8 a little bit.</p> <p>9 MR DUNCAN: I don't think you need to do that. I think we</p> <p>10 understand that one.</p> <p>11 MS MABLE CHAN: The other is on the number of buses involved</p> <p>12 in accidents per million vehicle-kilometres. This is</p> <p>13 one of the indicators that we monitor. In this regard,</p> <p>14 we will check the information supplied by the bus</p> <p>15 companies on the number of buses involved in accidents</p> <p>16 per million vehicle-kilometre. Then we will compare the</p> <p>17 performance year-on-year.</p> <p>18 In meeting that indicator, training is also</p> <p>19 an important aspect that the bus company has mentioned</p> <p>20 as an important aspect to ensure that the driver has</p> <p>21 received sufficient training. In this regard, the bus</p> <p>22 company has voluntarily made two performance pledges.</p> <p>23 One is provide training for all new recruits, and the</p> <p>24 other is provide training for in-service bus captains</p> <p>25 once every three years.</p>	<p>1 to any other independent steps that the Transport</p> <p>2 Department might take, outside of the records supplied</p> <p>3 to you by the bus companies, with regard to matters of</p> <p>4 safety?</p> <p>5 MR YK CHAN: I would like to supplement. The commissioner</p> <p>6 has mentioned about the spot-checks on vehicles. That's</p> <p>7 one thing. Another thing is, for all the buses run by</p> <p>8 bus companies nowadays, they have to do a complete check</p> <p>9 or repair once a year, and after that the Transport</p> <p>10 Department needs to check every one of them. So this is</p> <p>11 really an independent complete check to the standard, as</p> <p>12 spot-checks, really. So this is an aspect that the</p> <p>13 Transport Department do have independent information</p> <p>14 obtained by carrying out our own works by our</p> <p>15 inspectors, our vehicle examiners, at the depots.</p> <p>16 MR DUNCAN: Thank you.</p> <p>17 Let us go then back to this document, appendix L,</p> <p>18 "Records and information submitted by franchised bus</p> <p>19 operators". We can see the records and information</p> <p>20 which are supplied, the reference to the ordinance or</p> <p>21 the franchise, the relevant clause, the time frame for</p> <p>22 submission, and then the follow-up actions.</p> <p>23 What we have done is been through the follow-up</p> <p>24 actions to try and identify where it is that matters</p> <p>25 beyond what the bus operators have provided you have</p>

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<p>1 been checked or investigated in some way. 2 The first one I've come across appears at page 296. 3 If you look at the second-last box on that page, there 4 is in the second paragraph reference to: 5 "Survey conducted by independent consultant ..." 6 Do you see that reference? 7 MS MABLE CHAN: Yes. 8 MR DUNCAN: Thank you. In fact the same reference is made 9 in the next box, at the bottom of page 196, and another 10 one at the top of page 297. 11 I believe that although there's three references, 12 they all refer to one survey; is that correct? 13 MS MABLE CHAN: Correct. 14 MR DUNCAN: Can you tell us a bit more about that, a survey 15 conducted by an independent consultant? Who is the 16 independent consultant and what does the survey 17 indicate? 18 MS MABLE CHAN: Again, Ms Lee, please. 19 MS MACELLA LEE: Thank you, Chairman. These surveys are to 20 check the compliance of the franchised bus companies, 21 whether they follow the guidelines in arranging the 22 duties for the captains. 23 As you are aware, the original guideline, not the 24 one just revised, there are four parts of the guideline. 25 Basically, there are two types. One is the driving --</p>	<p>1 intensive. We do 12,000 bus drivers altogether, the bus 2 companies. 3 So the surveys are done like that. Thank you. 4 MR DUNCAN: Sorry, you do 12,000? 5 MS MACELLA LEE: Yes. 6 MR DUNCAN: What does that mean? 7 MS MACELLA LEE: I mean we select samples and we take -- the 8 six companies as a whole, we do 12,000 samples of 9 these -- 10 MR DUNCAN: You speak to 12,000 drivers? 11 MS MACELLA LEE: Sorry, 1,200. 12 MR DUNCAN: Per year? 13 MS MACELLA LEE: Yes. 14 MR DUNCAN: When did this system commence? When did you 15 first engage surveyors for this? 16 MS MACELLA LEE: At least when the current guideline is 17 implemented in 2010, and for those before 2010, I cannot 18 give a definite answer here. 19 MR DUNCAN: If I refer the commissioner now to page 297, 20 there is another box in the middle of the page: 21 "Survey conducted by independent consultant ..." 22 That is the same survey that's referred to, is it, 23 earlier on? 24 MS MABLE CHAN: Yes, I can confirm it's the same. 25 MR DUNCAN: Thank you. The other one that we have located</p>
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<p>1 the rest breaks, rest breaks and driving hours. This 2 type of survey, we need to follow -- actually, the 3 surveyor followed -- we select the drivers randomly and 4 then the surveyor follows the driver the whole day. So 5 we can check whether really rest break is given to him 6 or whether, say, sometimes -- the rest break and the 7 driving hours, whether the driving hours within that 8 duty is within the maximum. 9 So this kind, we follow the surveys. But for breaks 10 between two consecutive duties, for example, we check 11 the sign in and sign out record of the drivers. 12 So there are basically two teams of surveyors. So 13 where do we find these surveyors? We do it by an open 14 tender, for qualified consultants to do it. We have 15 a study brief, we select the most appropriate 16 consultants, and then we follow up with the consultant 17 to do this. 18 So, with these samples and we can see the 19 compliance, and in fact, as we have included in the 20 bundle, over the years the compliance rate is quite 21 high, and for those items or guidelines that we found 22 a small percentage of non-compliance, we have asked the 23 bus company the reasons and explanations, and most of 24 them are outside their control. This is the way surveys 25 are done, and I must say these are very labour</p>	<p>1 is on page 299. This refers to the report on the 2 passenger liaison group, and it refers to sending of 3 representatives to attend PLG meetings. Could you give 4 us a bit more detail about that, please? 5 MS MABLE CHAN: Perhaps on this I can ask my assistant 6 commissioner overseeing bus to explain the details. 7 MR DUNCAN: Thank you. 8 MS RACHEL KWAN: Mr Chairman, each of the bus franchisees 9 arrange their passenger liaison group meeting once in 10 every two months, and once they have determined the 11 location of the PLG meeting, we will be informed and we 12 will send our representatives to attend the meeting as 13 well, and to monitor that the franchised bus operator 14 will do their own PLG meeting properly and to listen to 15 the views collected from the meeting. 16 We will take records and after the meeting the 17 franchised bus operator will also send us the record for 18 our forward bus planning purpose. 19 MR DUNCAN: Who selects -- 20 CHAIRMAN: Before you proceed, Mr Duncan -- so are you 21 saying there are two sets of records, one taken by your 22 representative and another taken by the bus company? 23 MS RACHEL KWAN: We will do our own -- because we will only 24 send one representative to attend the meeting, we cannot 25 follow all the passengers' opinions collected. So</p>

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<p>1 whenever we collect, we listen to the passengers' views, 2 we will jot our own notes, and we will not put it 3 formally into a record but we will report to our senior 4 when they come back to the office. 5 But actually, all the information collected will be 6 recorded by the franchisee, and they will send us their 7 report afterwards to countercheck our own handwritten 8 record. 9 CHAIRMAN: So are there two sets of records? 10 MS RACHEL KWAN: Yes. 11 CHAIRMAN: Have we been supplied with these records? 12 MS RACHEL KWAN: Not yet. 13 MR DUNCAN: Could they be made available as well? 14 MS RACHEL KWAN: Yes. 15 MR DUNCAN: Thank you. Samples. 16 How many persons typically attend these PLG groups, 17 meetings? 18 MS RACHEL KWAN: Mr Chairman, it all depends on the location 19 of the PLG meeting. If it is held at a popular 20 location, more than 20 passengers will attend. 21 MR DUNCAN: Who determines the make-up of the passenger 22 liaison group? 23 MS RACHEL KWAN: Pardon me? 24 MR DUNCAN: Who determines, who makes up, the passenger 25 liaison group? Are they selected by the Transport</p>	<p>1 Working Hours, Rest Times, and Meal Breaks for the bus 2 captains, and one of your colleagues mentioned the 3 guidelines in 2010, and we know that they were revised 4 very recently and the guidelines issued in February of 5 this year. 6 I would like to refer you, please, to your 7 supplemental submission, the one that came in, I think, 8 on 4 May. You will find this at TD-1 at page 157. In 9 answer to a query from the committee, at paragraph (d) 10 you mentioned that the department received a suggestion 11 from a bus captains' union suggesting a revision of the 12 guideline. It goes on to say that the department 13 discussed the suggestion with the bus operators and 14 another bus captains' union and both expressed objection 15 to the suggestions. After further discussion with the 16 proponent, it was concluded that the guidelines would 17 not be changed. 18 Is it not the case that even before 2015, there had 19 been requests and suggestions to the department that the 20 guidelines be changed; do you recall that? 21 MS MABLE CHAN: Perhaps I can start -- the guidelines' 22 development process is quite a long one. 23 MR DUNCAN: Yes. 24 MS MABLE CHAN: It dated back to 1993, when we sort of 25 developed the guidelines for voluntary following up by</p>
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<p>1 Department? Are they selected by the bus operator? 2 MS RACHEL KWAN: Yes. They are determined by the bus 3 operator. 4 MR DUNCAN: Thank you. You can put that document away. 5 I think I've finished the questions on that particular 6 topic. 7 CHAIRMAN: Before we move on from that, at these passenger 8 liaison group meetings, are issues of bus safety raised? 9 MS RACHEL KWAN: Depends on the passengers' opinion. There 10 is no definite topic for the passengers, for them -- in 11 fact, they can raise whatever comments they would like 12 to put forward. 13 CHAIRMAN: I appreciate that. Perhaps the question is 14 better put this way. Do they ever raise questions of 15 bus safety? 16 MS RACHEL KWAN: In my mind, most of the comments received 17 are service related or fare concession related, not 18 much -- 19 CHAIRMAN: So questions of bus safety not raised? 20 MS RACHEL KWAN: Very little. 21 CHAIRMAN: Thank you. 22 Yes, Mr Duncan. 23 MR DUNCAN: Thank you, Mr Chairman. 24 Turning to another topic, Ms Chan -- reference has 25 been made already this afternoon to the Guidelines on</p>	<p>1 the relevant bus operators. It was not until 1998 that 2 we promulgated the guidelines and required the bus 3 companies to follow. 4 Since the promulgation in 1998, the guidelines were 5 revised six times. 6 I would like to highlight that throughout the years 7 and as the process, there have been ongoing suggestions 8 and views from the staff union side, to further improve 9 the working conditions and shorten the working hours of 10 the bus captains; and, on the other hand, we are also 11 mindful of ongoing and increasing public expectations to 12 enhance the service level of franchised bus service. 13 So senior counsel's referral of our written 14 statement in March 2019 [sic], I would say that is 15 an example to illustrate that the staff union all along, 16 they have a genuine request for further improvement in 17 the working hours and conditions of the bus captains. 18 MR DUNCAN: Thank you. Just in that respect, I would ask 19 you to pick up bundle SEC-1, and go to page 437. 20 These are minutes of a meeting of the Panel on 21 Transport of the Legislative Council on 27 November 22 2012. Do you see that? 23 Then if you look through, please, to page 441, at 24 the bottom of the page you will see that the chairman 25 refers to:</p>

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<p>1 "... a serious traffic accident had taken place in 2 Chai Wan on 19 November 2012 involving two buses and 3 a taxi and this had aroused extensive public concern on 4 the health and driving attitudes of professional 5 drivers, particularly bus captains." 6 So that was the context in which that meeting took 7 place. 8 Then if you go through, please, to 442, there's 9 reference in paragraph 2 to the secretary and the 10 commissioner giving a brief account on paper which had 11 included reference to details of the health check and 12 the working hour arrangements for bus captains of 13 franchised bus companies. 14 Then at 447, if I could refer you to that, 15 paragraph 24, there's reference to the secretary 16 undertaking that the administration would review the 17 guidelines in conjunction with stakeholders, including 18 franchised bus companies and their staff unions. He 19 added that the department was liaising with major staff 20 unions of the bus captains to discuss the problems 21 arising from that accident. 22 Then there is, at page 454, a summing-up by the 23 chairman of the meeting, where he thanked the parties 24 and, amongst other things, indicated that members 25 considered that the administration should review the</p>	<p>1 We also require the bus companies to arrange health 2 check for bus captains at the 54 and 60, things like 3 that. 4 On the other hand, on the review of the guidelines, 5 I understand that the department has actually, at that 6 time, taken another look at the guidelines on the 7 working hours of the bus captains. But, at the end of 8 the day, there is no specific change made to the 9 guideline at that moment. But the department did 10 undergo a review of the guidelines to see whether any 11 parts of it would need to be enhanced at that moment. 12 CHAIRMAN: You said there were two follow-up actions that 13 followed the incident in November 2012, one was 14 increased health checks. What was the other? 15 MS MABLE CHAN: The other is the review of the guideline, 16 though it does not lead to any specific revision at that 17 juncture. 18 Thank you, Chairman. 19 CHAIRMAN: Yes, Mr Duncan. 20 MS MABLE CHAN: I would invite Ms Kwan -- 21 MS RACHEL KWAN: Mr Chairman, I would like to supplement. 22 The working hours guidelines was last reviewed in 2010. 23 At that time, a new guideline was introduced. That is 24 on the meal break. At that time, when we promulgated 25 the guidelines in 2010, we allowed the bus companies to</p>
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<p>1 operation of franchised bus services, the captains' rest 2 times, working hours and remuneration, as well as 3 measures to improve the existing traffic network. 4 Now, it would seem that notwithstanding the contents 5 of those minutes, there was no change to the guidelines 6 from 2012 up until the time of the Sham Shui Po accident 7 in 2017. Are you able to assist the committee with 8 regard to what determination and for what reasons that 9 determination was made of the administration regarding 10 the guidelines as they were at that time? 11 MS MABLE CHAN: Perhaps I can give a general answer first 12 and then I will invite Ms Rachel Kwan to supplement on 13 the thinking and review process. 14 Following the tragic accident back in 2012, actually 15 there are two major follow-up actions. The first one is 16 the enhancement of the health check requirement of the 17 bus captains. It is following from that incident that 18 we have required all the bus operators to step up the 19 health check requirements. In addition to the annual 20 health check for bus captains aged 50 or above, we 21 actually stipulate additional health check requirement 22 for those bus captains who have declared significant 23 health illness, so that the companies can arrange more 24 frequent health examination and also including the 25 cardio checking on the bus captains.</p>	<p>1 implement the new guideline E on the meal break in two 2 years' time. That means, for full implementation of the 3 revised guideline in 2010, that will be in 2012 already. 4 So I cannot give a definite answer right now why, 5 after the review in 2013, there is no change to the 6 guideline. May we have some time to check our record? 7 Maybe it's due to the fact that the new guideline for 8 full implementation has just been implemented in 2012, 9 in the latter part of the year, so maybe this is one of 10 the reasons for perhaps at that time to look at the 11 performance of the franchised bus operator for a longer 12 period of time. 13 MR DUNCAN: Thank you. 14 Ms Chan, you were present this morning, I think, 15 when I asked representatives from the bureau as to why 16 these guidelines with regard to working hours are simply 17 guidelines, as opposed to regulations, given that the 18 ordinance expressly stipulates that this topic can be 19 the subject of regulation. 20 Are you able to assist the committee as to the 21 reason why this has not been a regulation or has not 22 even achieved the status of a direction or 23 a requirement? 24 MS MABLE CHAN: Perhaps I can try to. Because I was present 25 at this morning's session and the context in which this</p>

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<p>1 issue was raised was on whether or not it should be 2 better implemented or enforced under the law or as 3 a franchise requirement.</p> <p>4 First perhaps I can express my view from 5 an operational and monitoring point of view. As I see 6 it, the history of the working hours guidelines is long 7 and it is an ongoing process. As revealed from the few 8 times that the guidelines are revised, the beauty of the 9 requirements as set out in the guidelines is that it 10 could be reviewed and revised in a more timely basis as 11 compared to if it is stipulated as the ordinance or in 12 the regulation; though I must admit that as and when 13 necessary, we should not spare ourselves from the effort 14 in reviewing the legislation or taking it through the 15 Legislative Council.</p> <p>16 The fact remains that, being guidelines, it can be 17 more flexible and it can be sort of enhanced in the 18 light of the prevailing circumstances. Franchised bus 19 service is a very labour-intensive service. There are 20 also highly prescriptive requirements on the service 21 levels of franchised bus. So I think from the 22 government perspective, we are trying to strike 23 a balance in ensuring the delivery of bus service 24 according to franchise requirement on the one hand and 25 the enhancement of the working environment of bus</p>	<p>1 arrangements in relation to working hours and rest time 2 of bus drivers issued by C for T after consultation with 3 the grantee.</p> <p>4 CHAIRMAN: Before you go on any further, forgive me for 5 interrupting -- Mr Duncan, may we see one of these 6 franchise clause 28(1)(a) so we can follow this?</p> <p>7 MR DUNCAN: Certainly. The franchise, Mr Chairman, is at 8 THB-2 at page 137.</p> <p>9 CHAIRMAN: Thank you.</p> <p>10 MR DUNCAN: And I believe Ms Chan is referring to page 169.</p> <p>11 CHAIRMAN: She referred first of all to clause 28, 12 subsection (1), that's page 158, is it not? And 13 schedule 2 is at 168.</p> <p>14 Yes, Ms Chan, if that helps you with your 15 explanation.</p> <p>16 MS MABLE CHAN: Thank you, Chairman.</p> <p>17 MR DUNCAN: I don't want to get into a legal debate, but 18 that seems to be a requirement to produce records?</p> <p>19 MS MABLE CHAN: Yes.</p> <p>20 MR DUNCAN: As opposed to a requirement to keep to the 21 guidelines?</p> <p>22 MS MABLE CHAN: Absolutely. I'm not a legal expert on that, 23 but I'm trying to explain how we would make use of the 24 provision.</p> <p>25 MR DUNCAN: Yes, in a practical sense.</p>
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<p>1 captains on the other.</p> <p>2 That being the case, while the working hours 3 guidelines are guidelines as such, administrative 4 requirement in our words, in our written submission, we 5 also require the franchised bus operators to supply 6 information on their compliance, and we do independent 7 checking on their compliance, so as to ensure that the 8 franchised bus operators will comply with those 9 guidelines as a product following ongoing and mutual 10 discussions with the franchised bus operators.</p> <p>11 So we would see it as a contractual requirement in 12 that sense, because it is a product of ongoing 13 discussions between the government and also the bus 14 operators.</p> <p>15 On the other hand, I also note from the franchise 16 document signed with the franchisees, under 17 clause 28(1)(a), the grantee shall provide the 18 commissioner information relating to records kept by the 19 grantee in respect of the bus service in accordance with 20 schedule 2 to the franchise.</p> <p>21 Under that schedule 2, item (l), we have stipulated 22 in the franchise that the grantee shall provide records 23 and information on, inter alia, the percentage of bus 24 drivers selected on the sample size as specified by 25 C for T in compliance with the guidelines on</p>	<p>1 MS MABLE CHAN: In a practical sense, I would see that the 2 commissioner should exercise my authority to ensure that 3 the bus operators do the checking and submit data 4 according to the sample size and specify the 5 commissioner according to item (l) of schedule 2 to the 6 franchise.</p> <p>7 So, in this respect, should we find that the bus 8 operators cannot provide the information pursuant to 9 this requirement, and should that lead us to any 10 suspicion or cast doubt on whether the franchisees are 11 providing proper and efficient service, we would also 12 undertake necessary action, follow-up action, with the 13 bus operators.</p> <p>14 MR DUNCAN: So you gain flexibility on the one hand. On the 15 other hand, it would appear that you may lose the force 16 of a regulation providing for an offence, or action 17 under section 12A, namely the imposition of a financial 18 penalty.</p> <p>19 MS MABLE CHAN: I would say that it does not constitute 20 a statutory requirement as such in case of any failure 21 of the bus operator in compliance with the guideline 22 that leads to a strict triggering of the relevant 23 clause, ie section 22, in regard of the imposition of 24 the financial penalty.</p> <p>25 But I would ride on the relevant item (l) in</p>

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<p>1 schedule 2 to ensure that the bus franchise operators 2 are providing the information as required, and we would 3 also do independent checking on the data provided, and 4 then will take that into account in assessing whether 5 a bus operator is providing proper and efficient 6 service.</p> <p>7 MR DUNCAN: Could we turn to the ordinance itself, which 8 I think is in the bundle that you may have in front of 9 you now. This is at page 104. This is the reference to 10 the forward planning programme.</p> <p>11 Do you see section 12A?</p> <p>12 MS MABLE CHAN: Yes.</p> <p>13 MR DUNCAN: Can I ask you this. To what extent does the 14 department require bus operators to include detailed 15 safety provisions in the forward planning programme?</p> <p>16 MS MABLE CHAN: The forward planning programme flows from 17 the legal backing in the law. The forward planning 18 programme serves as a planning tool and it covers, by 19 and large, the service aspects of the bus operators in 20 fulfilling the requirement under the franchise.</p> <p>21 I think we have provided the committee, in our 22 bundle, a contents page of the forward planning 23 programme. As one of the chapters in the forward 24 planning programme, there is a chapter on bus safety. 25 This actually arises from the past experience of the</p>	<p>1 "Bus safety". That's what you're referring to?</p> <p>2 MS MABLE CHAN: Yes.</p> <p>3 MR DUNCAN: Thank you. Now, you have not yet provided the 4 committee with the report itself and the programme 5 itself, you say for commercial confidential reasons.</p> <p>6 Would there be any problem in your supplying that 7 section which deals just with safety?</p> <p>8 MS MABLE CHAN: We can certainly take that up and make sure 9 that we can get the consent from the bus company on that 10 part.</p> <p>11 CHAIRMAN: Before we go ahead, Mr Duncan, let's take this 12 step by step so that this can be followed by others who 13 are not aware of what you are talking about.</p> <p>14 Could we go to the submission where we have the 15 passage that you just have in mind about the inability 16 to furnish this material.</p> <p>17 I'm looking at the document that was made available 18 to me on Friday and it wasn't paginated but it's in the 19 appendix at paragraph 22. Item 22, paragraph 34(a): 20 "All FB operators provided the TD a five-year plan. 21 As the five-year plan contains commercially sensitive 22 information of individual FB operators ...", and so on.</p> <p>23 Do you have what I have in mind?</p> <p>24 MR DUNCAN: Yes. That's actually been tabulated now. It's 25 TD-1 at 164.</p>
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<p>1 analysis of bus accidents involving franchised buses and 2 our discussions with the franchised bus operators on 3 important aspects to ensure bus safety.</p> <p>4 CHAIRMAN: If you just pause there for a moment, I think 5 an attempt is being made to put up this contents page 6 which does have, as you say, in the index, references to 7 bus safety, I think it's called. Perhaps we could have 8 that on the screen.</p> <p>9 Is this not something that comes from a letter sent 10 to Citybus by the Transport Department?</p> <p>11 Mr Duncan, where do we find the latest written 12 submissions from the Transport Department?</p> <p>13 MR DUNCAN: I think the document Mr Chairman is looking for 14 is TD-4/1038. TD-4/1035, I believe.</p> <p>15 CHAIRMAN: What I had in mind was what was sent to the bus 16 operators, saying, "For your forward planning programme, 17 please address the following matters." Is this the 18 document?</p> <p>19 MR DUNCAN: No. What I'm looking at is the document 20 referred to by Ms Chan, which is the index document, 21 indicating what was expected to be found in the forward 22 planning programme document, the converse.</p> <p>23 Could we go to TD-4 at page 1035. This is the 24 contents page, is it not, that you were referring to? 25 And if you look at page 1038, there's a heading,</p>	<p>1 CHAIRMAN: Thank you.</p> <p>2 Because this is what your question is aimed at, is 3 it not?</p> <p>4 MR DUNCAN: It is indeed.</p> <p>5 If I could just remind you, Ms Chan, of the response 6 of the department:</p> <p>7 "As the five-year plan contains commercially 8 sensitive information of individual FB operators, the FB 9 operators agree to disclose the information to the IRC 10 provided that prior agreement from IRC is obtained for 11 not disclosing the information to the public."</p> <p>12 All the committee will need is that portion -- for 13 present purposes, anyway -- of the programme which is 14 concerned with safety.</p> <p>15 If I could ask you again, perhaps overnight, to try 16 and speak to the bus operators, gain their consent to 17 that part of the programme being provided to the 18 committee.</p> <p>19 MS MABLE CHAN: Yes. The basis of our response to the 20 committee as highlighted on the screen now is we have 21 sought the bus operators' view on the disclosure of 22 their five-year plan and it's not made on the basis of 23 just an extract of the relevant chapter. But knowing 24 what the senior counsel has just asked me, we will 25 certainly take that up and ask the operator again, to</p>

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<p>1 seek their consent and see whether that particular</p> <p>2 chapter on bus safety can be provided to the committee.</p> <p>3 CHAIRMAN: That's a matter we will take up directly with the</p> <p>4 bus companies.</p> <p>5 MR DUNCAN: I think I can still ask this, though, if I may.</p> <p>6 Could you look at TD-5, page 1599.</p> <p>7 This is the index for the five-year forward planning</p> <p>8 programme for the New Lantao Bus company, one of the</p> <p>9 five franchisees.</p> <p>10 If you turn the page to 1600, we have the contents</p> <p>11 page there. Do you see the contents page?</p> <p>12 MS MABLE CHAN: Yes.</p> <p>13 MR DUNCAN: There is no reference to the topic of safety</p> <p>14 there, for that particular company.</p> <p>15 So my question is this, and I think you can answer</p> <p>16 this perhaps even though we are awaiting the full</p> <p>17 details. To what extent does the department require the</p> <p>18 franchisee to include in the forward planning programme</p> <p>19 details as to safety requirements?</p> <p>20 MS MABLE CHAN: Actually, regarding this contents page, the</p> <p>21 bus safety is covered in part 1, "Route development</p> <p>22 programme".</p> <p>23 MR DUNCAN: It's part of that, is it?</p> <p>24 MS MABLE CHAN: Yes, it's part of the route development</p> <p>25 programme.</p>	<p>1 the FPP, and since then it is included.</p> <p>2 So now, for submission of this FPP every year, the</p> <p>3 bus companies will include an analysis of data, of their</p> <p>4 own accident statistics, and then tell us their proposed</p> <p>5 improvement measures. This is the background.</p> <p>6 Of course, there are others that we added over the</p> <p>7 years. For example, because of the public aspiration</p> <p>8 for using more environmentally friendly buses, we added</p> <p>9 a chapter about environmental initiatives. So we have</p> <p>10 an environmental initiative that is outside -- I mean</p> <p>11 using the last item about "Other matters". This is the</p> <p>12 way that we add. And the commissioner has just</p> <p>13 mentioned that the bus companies also voluntarily make</p> <p>14 some performance indicators and targets. Some of them</p> <p>15 are on safety and some of them are on training.</p> <p>16 This is the way that we deal with the forward</p> <p>17 planning programme. Thank you.</p> <p>18 MR DUNCAN: Just before I leave this topic, it would be very</p> <p>19 helpful if you made contact with the bus companies this</p> <p>20 evening to obtain that safety information, so that we</p> <p>21 could ask you questions about it tomorrow. We don't</p> <p>22 want to wait until the bus companies come.</p> <p>23 MS MACELLA LEE: Thank you. We can do that.</p> <p>24 CHAIRMAN: Before you leave the topic, the matter is</p> <p>25 addressed in the some of the other five-year plan</p>
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<p>1 MR DUNCAN: So could you answer my question, perhaps a bit</p> <p>2 more directly: what details does the department require</p> <p>3 of the bus franchisees with regard to safety</p> <p>4 requirements in the context of this programme?</p> <p>5 MS MABLE CHAN: Perhaps I will invite Ms Lee to give the</p> <p>6 details.</p> <p>7 MS MACELLA LEE: Thank you, Chairman.</p> <p>8 The preparation of the forward planning programme is</p> <p>9 a requirement under the PBSO, and in the PBSO there's</p> <p>10 a schedule setting out the content which the bus company</p> <p>11 must provide. So you can see from the law that it is</p> <p>12 emphasised on the route development programme, on the</p> <p>13 buses, purchasing and scrapping programmes, maintenance</p> <p>14 facilities, et cetera. Of course, at the last item, it</p> <p>15 mentions about other materials that C for T considers</p> <p>16 appropriate, and other matters that C for T may specify.</p> <p>17 Some years ago -- just now my colleagues already</p> <p>18 said that we have analysed accident data, et cetera, and</p> <p>19 we find, actually, when we do this annual exercise, we</p> <p>20 look at the trends of the accident data and we found</p> <p>21 that it's good that we require the bus companies to</p> <p>22 provide a chapter -- not a chapter -- provide in the FPP</p> <p>23 their own analysis of traffic accidents and tell us what</p> <p>24 improvement measures that were made. It is in this</p> <p>25 context and for this purpose we asked them to include in</p>	<p>1 material that's in the bundle. That is TD-5 at</p> <p>2 page 1602. We see "Forward planning", where "Bus</p> <p>3 safety" is section 5; do you have that? We see "Bus</p> <p>4 safety" is item 5 at page 1604.</p> <p>5 Then we have the five-year plan for Long Win Bus,</p> <p>6 and we have more detail here because at 1607 we see</p> <p>7 a chapter dealing with safety review.</p> <p>8 There are eight items there in "Safety review" --</p> <p>9 are all of those items addressing requests that were</p> <p>10 made by the Transport Department of the bus company?</p> <p>11 MS MABLE CHAN: I would try to answer this. As a statutory</p> <p>12 requirement or the franchise requirement, we do not</p> <p>13 specify specific requirement on training or on specific</p> <p>14 measures to be taken. That said, as an ongoing</p> <p>15 monitoring and discussions with franchised bus operators</p> <p>16 to assess their performance on an annual basis and also</p> <p>17 on top of the road safety quarterly review, we have</p> <p>18 asked the bus companies to include in their forward</p> <p>19 planning programme a safety chapter, to analyse their</p> <p>20 own accident data, and also to provide their improvement</p> <p>21 measures in bus operation.</p> <p>22 Those improvement measures relate to vehicle safety,</p> <p>23 bus maintenance, as well as the measures taken to</p> <p>24 address drivers' behaviour, driving behaviour, and also</p> <p>25 training.</p>

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<p>1 CHAIRMAN: Yes. Thank you.</p> <p>2 MR DUNCAN: Moving on to the point about training. You have</p> <p>3 said I think a couple of times now that there is no</p> <p>4 specific requirement in the franchise document, nor do</p> <p>5 I think you say it anywhere else, that contains any</p> <p>6 particular requirement of the department with regard to</p> <p>7 what the actual training should be.</p> <p>8 Is that a correct understanding?</p> <p>9 MS MABLE CHAN: Yes.</p> <p>10 MR DUNCAN: So do I take it that the department has not</p> <p>11 issued any particular directives to any of the</p> <p>12 franchisees as to how they should conduct their</p> <p>13 training?</p> <p>14 MS MABLE CHAN: No, we did not issue any directive on that.</p> <p>15 MR DUNCAN: So that's a matter left entirely to the bus</p> <p>16 companies?</p> <p>17 MS MABLE CHAN: Yes.</p> <p>18 MR DUNCAN: Does it vary then from one bus company to the</p> <p>19 next?</p> <p>20 MS MABLE CHAN: Based on the information they provide in the</p> <p>21 context of bus safety and also training on bus captains</p> <p>22 in the forward planning programme, we have gathered that</p> <p>23 in terms of the arrangements for new recruits,</p> <p>24 in-service bus captains and also refresher course,</p> <p>25 remedial course, basically in terms of the contents,</p>	<p>1 terms of the manpower strength of the various bus</p> <p>2 operators.</p> <p>3 So it is on this basis that we are developing a set</p> <p>4 of guidelines to devise a framework for the delivery of</p> <p>5 this kind of training, and we think that it is very</p> <p>6 important to have a common basis for the bus operators</p> <p>7 to perform internal monitoring and audit, to make sure</p> <p>8 that trainings are actually provided as pledged.</p> <p>9 Thank you.</p> <p>10 MR DUNCAN: When did you commence the development of these</p> <p>11 proposed guidelines?</p> <p>12 MS MABLE CHAN: We have formulated our thinking on these</p> <p>13 proposals with the bus operators following the Tai Po</p> <p>14 accident in February, and the working group was formed</p> <p>15 in March. This is one of the proposals that we have</p> <p>16 noted in the first working group meeting held in March.</p> <p>17 MR DUNCAN: So this is a matter of discussion with the bus</p> <p>18 operators at the moment?</p> <p>19 MS MABLE CHAN: It is under discussion.</p> <p>20 MR DUNCAN: Now, you mentioned earlier this afternoon health</p> <p>21 checks of the drivers. What is the current arrangement</p> <p>22 or directive, whatever it may be, between the department</p> <p>23 and the franchisees with regard to health checks?</p> <p>24 MS MABLE CHAN: Perhaps on health checks I can invite</p> <p>25 Ms Kwan to elaborate on the details.</p>
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<p>1 they are the same.</p> <p>2 But the duration of the individual training courses</p> <p>3 and modules may vary. So, in very specific terms, all</p> <p>4 the bus companies provide training for the new recruits.</p> <p>5 For the in-service bus captains, they provide training</p> <p>6 once every three years, and actually these are all which</p> <p>7 the bus operators have pledged to do so.</p> <p>8 For those drivers which have been absent from the</p> <p>9 driving duties for a long period of time, they will</p> <p>10 provide refresher course or remedial courses for the</p> <p>11 drivers before they are taking up the driving duties</p> <p>12 again.</p> <p>13 In terms of the refresher course, we know that,</p> <p>14 except one operator which does not provide refresher</p> <p>15 course for part-time captains, all the other bus</p> <p>16 operators provide refresher course for the part-time bus</p> <p>17 captains.</p> <p>18 It is actually against this background that we think</p> <p>19 that there is merit in aligning the basic requirements</p> <p>20 in terms of the contents and modules for the training to</p> <p>21 be provided to the bus captains. While noting that it</p> <p>22 may not be realistic or reasonable to stipulate the</p> <p>23 duration or the frequency of such courses to be</p> <p>24 provided, bearing in mind that operators actually vary</p> <p>25 in terms of scale and also the bus routes operated, in</p>	<p>1 CHAIRMAN: Yes. Thank you.</p> <p>2 MS RACHEL KWAN: Mr Chairman, before joining the service,</p> <p>3 all full-time and part-time bus drivers are required to</p> <p>4 declare their health conditions and to pass a health</p> <p>5 check, to prove that he or she is medically fit to drive</p> <p>6 buses.</p> <p>7 The health check includes a chest examination,</p> <p>8 eyesight, hearing, diabetes, blood pressure, blood and</p> <p>9 urine test. And now, all the franchised bus operators</p> <p>10 currently require bus drivers aged 50 or above to</p> <p>11 undergo an annual health check which covers chest</p> <p>12 examination, eyesight, hearing, diabetes and blood</p> <p>13 pressure, blood and urine test.</p> <p>14 For the bus drivers at the age of 50, 54, 57 or 60</p> <p>15 or above, they are also required to undergo</p> <p>16 an electrocardiogram as part of their health check.</p> <p>17 Moreover, for the bus drivers who have suffered stroke</p> <p>18 or cardiovascular diseases or are on medication due to</p> <p>19 diabetes or hypertension, they are also required to</p> <p>20 declare such illnesses to their employers and undergo</p> <p>21 an electrocardiogram in their annual health check.</p> <p>22 This is the current arrangement.</p> <p>23 MR DUNCAN: When you say it's an arrangement, is it</p> <p>24 a requirement or is this simply an understanding that</p> <p>25 you have with the bus companies?</p>

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<p>1 MS RACHEL KWAN: The health check requirement is not 2 a direction or a requirement under the bus franchise or 3 under the PBSO. It is a requirement made known to all 4 bus drivers.</p> <p>5 MR DUNCAN: How long have these arrangements been in place?</p> <p>6 MS RACHEL KWAN: The arrangements are evolving. I remember 7 since 2007, the health check requirement for all bus 8 drivers aged 50 or above to undergo annual health check 9 started from 2007.</p> <p>10 MR DUNCAN: There are some observations in the submissions 11 received by the committee that it would be beneficial 12 for the checks on respective bus captains to include 13 test as to their suitability in coping with the stress 14 which is involved in the task of driving a bus. 15 Has that been brought to the attention of the 16 department, that sort of proposal?</p> <p>17 CHAIRMAN: I take it, Mr Duncan, you have in mind the 18 submissions of KMB, where this matter was dealt with 19 specifically?</p> <p>20 MR DUNCAN: I think it is from KMB, Mr Chairman, yes.</p> <p>21 CHAIRMAN: It might be useful if you were to draw our 22 attention to it.</p> <p>23 MR DUNCAN: Okay. 24 Would you turn up, please, KMB-1, page 81-1. 25 You see the reference there to "Remedial training"?</p>	<p>1 MS MABLE CHAN: Thank you, senior counsel. We have not 2 received such kind of suggestion from the KMB as such, 3 and this is also not raised in our working group in 4 discussing possible enhancements or alignments in the 5 training to the offered to the bus captains. 6 But I can offer that in terms of training for new 7 recruits and in-service bus captains, the bus companies 8 have included stress handling and counselling as one of 9 the modules in the courses for the new recruits and also 10 the in-service bus captains. It is actually one of the 11 topics that we will include -- that we intend to include 12 in the future guidelines on the content framework for 13 training to be offered. But that one does not address 14 the point about emotional assessment for possible 15 candidates applying for the job of bus captains.</p> <p>16 MR DUNCAN: It could be considered, could it not, as part of 17 any training regime which might be suggested?</p> <p>18 MS MABLE CHAN: The suggestion to beef up the stress 19 handling as part of the training modules was discussed 20 in the working group, and this will be part of the 21 topics that we will look into, in setting out possible 22 guideline on the training framework. 23 But if there are any suggestions to make the 24 emotional and stress as an assessment for new recruits, 25 I think this will have to be carefully deliberated</p>
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<p>1 We are looking for another reference as well, but that 2 concept --</p> <p>3 CHAIRMAN: If you are doing a word search, find the word 4 "psychologist" because that's the passage I had in mind.</p> <p>5 MR DUNCAN: Thank you, Mr Chairman.</p> <p>6 CHAIRMAN: What I have in mind -- it's the report to the 7 Commissioner for Transport. It's the third of the 8 documents that was provided in the first of the 9 submissions, and it's paragraph 38. That's at page 113.</p> <p>10 MR DUNCAN: Do you have that, Ms Chan?</p> <p>11 MS MABLE CHAN: Yes.</p> <p>12 MR DUNCAN: Paragraph E, referring to "Psychological 13 support", and this is the KMB submission: 14 "A task force ... has been formed to look into 15 enhancing the provision of emotional support for [bus 16 captains] and frontline staff. The task force will 17 engage a professional consultant to provide 18 a comprehensive review of the current practice and make 19 recommendations in areas including but not limited to 20 recruitment, assessment on [bus captains'] emotional 21 intelligence and stress tolerance, training, counselling 22 and performance management. It is expected that the 23 recommendations will be implemented phase by phase to 24 address immediate concerns." 25 So is the department aware of that initiative?</p>	<p>1 amongst all bus operators. Obviously, we note that KMB, 2 as one of the bus operators, have raised this. We will 3 need to flag this up and discuss with other bus 4 operators, because this will also affect their 5 recruitment policy, particularly the manpower supply 6 situation in the current local market.</p> <p>7 MR DUNCAN: So do I take it that this is a new concept as 8 far as the department is concerned?</p> <p>9 MS MABLE CHAN: I think so, yes.</p> <p>10 MR DUNCAN: I would like to turn to the topic of part-time 11 drivers. It's a fact, is it not, that many of the bus 12 companies have, over the years, engaged part-time 13 drivers, especially in view of the manpower issue. Is 14 that correct?</p> <p>15 MS MABLE CHAN: The manpower issue has long been an issue of 16 concern in bus operation. This has particularly been so 17 with the ever-increasing public expectations on the 18 increase and enhancement of bus services in terms of bus 19 routes and also frequency. 20 While we have been trying hard to discuss with the 21 bus operators and the local district councils on ways to 22 review the frequency and also the service of the bus 23 routes, the fact is that over the ten years there has 24 been an increase in percentage of the bus routes 25 concerned. This will also imply an increasing need for</p>

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<p>1 recruiting more bus drivers to meet with the 2 expectations of the franchise.</p> <p>3 We are aware of this situation in our annual review 4 and also in the board meetings, that especially in the 5 annual review with the bus companies, we have encouraged 6 them to look into various ways to increase the manpower 7 supply. The Transport Department has, together with the 8 Labour Department, helped the bus operators to stage 9 recruitment exercises and campaigns in the various 10 districts to help them recruit bus drivers, and we have 11 also encouraged the bus companies to review their 12 remuneration package so as to provide a more attractive 13 and reasonable package to attract new blood into the 14 industry.</p> <p>15 MR DUNCAN: Thank you.</p> <p>16 As far as the department is concerned, does the 17 engagement of part-time drivers create any particular 18 safety issues?</p> <p>19 MS MABLE CHAN: In the past review, there is no obvious 20 phenomenon or trend revealing that part-time bus 21 captains is a cause for concern in contributing to 22 franchised bus accidents.</p> <p>23 MR DUNCAN: What checks are undertaken by the bus companies, 24 as far as you are aware, as to what a part-time bus 25 driver might be doing before he commences his work or</p>	<p>1 bus captains, it is an established practice for them to 2 recruit part-time drivers to meet the holiday peak 3 demands.</p> <p>4 MR DUNCAN: Has the department conducted any analysis as to 5 the relationship between part-time drivers and 6 accidents, whether there's more accidents as a result of 7 driving by part-time drivers as opposed to full-time 8 drivers? Has that analysis been carried out?</p> <p>9 MS MABLE CHAN: I do not have the information at hand, but 10 perhaps we can do some research on that and then we will 11 supply the committee with information.</p> <p>12 MR DUNCAN: Thank you.</p> <p>13 CHAIRMAN: Mr Duncan, hasn't one of the bus companies given 14 us the information as far as they are concerned? That 15 there's no incidence of a greater rate of accidents of 16 part-time drivers?</p> <p>17 MR DUNCAN: I'm not up to the play with that. It might have 18 come in very late.</p> <p>19 CHAIRMAN: If you are about to leave this topic of part-time 20 bus drivers.</p> <p>21 MR DUNCAN: Yes, I am.</p> <p>22 CHAIRMAN: Perhaps I can ask you this. The question I think 23 Mr Duncan was asking you was this. By its nature, if 24 you are part-time in one job, bus driver, perhaps you 25 are part-time in another job, taxi driver, truck driver,</p>
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<p>1 after he finishes his work?</p> <p>2 MS MABLE CHAN: In terms of training, the bus companies are 3 expected to provide training for the in-service bus 4 captains, be they full-time or part-time.</p> <p>5 MR DUNCAN: Sorry to interrupt you. I'm not concerned about 6 training so much. I'm concerned about whether they are 7 fresh enough to undertake the duties of a bus captain, 8 if they are working on a part-time basis, and there is 9 no knowledge as to what they may be doing for other 10 parts of the same day. Is that a matter that has been 11 considered by the department?</p> <p>12 MS MABLE CHAN: From the Transport Department's perspective, 13 we do not have the information as to the bus companies 14 in monitoring the part-time captains in their driving -- 15 in delivering their driving duty. The part-time bus 16 captains are recruited by the bus companies as a relief, 17 to help the bus companies meet the bus services, 18 particularly in the hours where there are peak service 19 demands.</p> <p>20 So, over the years, we know that, at the present 21 moment, the percentage of part-time bus captains ranges 22 from 3 per cent in some companies to 31 per cent in one 23 company, and that latter company actually has a lot of 24 routes being operated on holidays, and that they need, 25 in addition to their basic team members of the full-time</p>	<p>1 coach driver. Does the Transport Department require the 2 bus companies to first of all gather any information 3 about what other jobs the part-time bus driver might 4 have?</p> <p>5 MS MABLE CHAN: At the present moment, we do not have such 6 requirement on the bus operators to gather such 7 information and support to us.</p> <p>8 CHAIRMAN: So I take it that it follows, then, that you have 9 no information as to what these part-time drivers might 10 be doing in the rest of their day?</p> <p>11 MS MABLE CHAN: No, Chairman.</p> <p>12 CHAIRMAN: Thank you.</p> <p>13 MR DUNCAN: Could I ask you to turn up, please, the 14 CTB-1 file, page 26, please. This is part of the 15 submission received by one of the bus franchisees, 16 Citybus. At the bottom of page 26, there's reference to 17 "New technological aids". Do you see that?</p> <p>18 MS MABLE CHAN: Yes.</p> <p>19 MR DUNCAN: If I quote from page 26, at the bottom: 20 "We plan to include the following features on new 21 buses for delivery from June 2019 onward". 22 And there's a series of headings, "Electronic 23 stability control", "Dynamic stability control, 24 "Roll-over prevention", "Active speed limiting system". 25 I wonder if I could ask you this. Does the</p>

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<p>1 department itself conduct any research, locally or 2 overseas or with bus companies, whatever, with regard to 3 what new technology or what new safety aids may be 4 coming into the system and which could be considered for 5 improving safety requirements? Does the department 6 itself conduct that sort of research? 7 MS MABLE CHAN: Perhaps I can invite Mr Chan, who oversees 8 the vehicle licensing and hardware, to advise on that. 9 CHAIRMAN: Yes. 10 MR YK CHAN: Thank you, Chairman. 11 The Transport Department is always mindful of having 12 new technology applied in buses, particularly those that 13 can make the operation of buses safer. 14 Of course, there are ways of doing it. You can do 15 it in-house or you can do it in collaboration with bus 16 companies. To us, I think we will always take the path 17 that -- I think it's more useful actually to work with 18 the bus companies, because they actually do the 19 operations and actually have different types of buses to 20 actually test out all this equipment, which is whether 21 they are suitable for the type of buses they operate. 22 So, for us, your question is we always look out for 23 improvements, and if there's any particular equipment 24 that could be useful, then we will bring this up to 25 discuss with the bus companies, to see whether there is</p>	<p>1 electronic stability control. 2 CHAIRMAN: I think ASLS is an active speed limiter, as 3 opposed to a passive one. 4 MR YK CHAN: Okay. So this is another initiative that we 5 are also discussing with bus companies concurrently. 6 This is the features that on top of the current speed 7 limiters which cap the speed at 70 kph at the moment, 8 but we do need more functions when it's going downhill, 9 to cap the bus to run on 70 kph. 10 What I think Citybus mentioned, talking about, is 11 something like similar equipment but with a different 12 name. 13 MR DUNCAN: Currently, the speed limiter comes in at 14 70 kilometres per hour, I think. Is there any provision 15 to limit the speed of a bus -- 16 MR YK CHAN: Yes. 17 MR DUNCAN: -- going, say, 60 kilometres per hour in 18 a 50 kilometre zone? 19 MR YK CHAN: A bus going 60 kph in a 50 kph zone is 20 speeding. 21 MR DUNCAN: Yes. Is there any way of limiting the bus in 22 that respect? Is there any technology available? 23 MR YK CHAN: This is something that people are talking 24 about, if you can have something automatic GPS system, 25 coupled with the operation of a limiter like this, and</p>
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<p>1 any way we can ask the bus company to try them out and 2 discuss with the vehicle manufacturers. 3 MR DUNCAN: Thank you. When you say you look out, where do 4 you look? 5 MR YK CHAN: There are always developments search on the web 6 and our engineers actually do it quite often, doing the 7 web search, and also we have magazines. We do subscribe 8 to magazines of equipment and we try to read them and 9 see whether there are things that are worthwhile taking 10 or trying out with bus companies. 11 MR DUNCAN: Do you have any contact with your counterparts 12 overseas, regulators in other countries, in this 13 context? 14 MR YK CHAN: Not regularly, but from time to time, if we 15 want to do some research on equipment, we try to contact 16 our counterparts in different countries, particularly in 17 Singapore, UK, Japan, all these kind of Western 18 countries. But of course we don't have sort of regular 19 contact with them. 20 MR DUNCAN: The ASLS system referred to here by Citybus, was 21 that something which was identified by them or was it 22 identified by the department? 23 MR YK CHAN: I think this is something that was identified 24 by them, but from the description of it, I think this is 25 something like the system we talk about, the ESC, the</p>	<p>1 also the base map, that have charted out the whole area, 2 and with the speed limit imposed on, yes, theoretically, 3 you can do that. 4 But we have also touched base and discussed with bus 5 operators on this, and the consensus is, yes, 6 theoretically it can be done, but in the Hong Kong 7 environment, the application of the GPS signal may have 8 problems in areas, because the signals may be blocked 9 out by skyscrapers. 10 So this is something that we are still asking the 11 bus companies to explore, and hopefully one day, 12 hopefully not too long in the distant future, you can 13 adopt it as a safety measure, a safety device, which is 14 reliable and functional. 15 At this point in time, probably they are still 16 experimenting or exploring it. 17 CHAIRMAN: Is this system called geo-fencing? 18 MR YK CHAN: Yes. 19 MS MABLE CHAN: Chairman, can I add that -- 20 CHAIRMAN: Yes. 21 MS MABLE CHAN: -- actually, these items as flagged up by 22 Citybus are part of those items that we have included in 23 the discussing under the Working Group on Enhancement of 24 Bus Safety. 25 CHAIRMAN: Yes.</p>

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<p>1 MS MABLE CHAN: While we note that there may be proposals 2 from the bus companies on new devices and technology 3 advancements, we would discuss with them very thoroughly 4 on the technical feasibility, on the safety application, 5 and also on how it could be put in a context of local 6 franchised bus operation.</p> <p>7 So we have actually covered this in our Working 8 Group on Bus Safety Enhancement and will continue to 9 look into that.</p> <p>10 CHAIRMAN: May I come back to a question Mr Duncan asked 11 earlier and I don't think he got an answer. Who has 12 identified and suggested these various technical devices 13 to be discussed in the working group? Was that done by 14 the bus companies or by the Transport Department, or by 15 both?</p> <p>16 MS MABLE CHAN: Chairman, we have, in the first meeting, 17 flagged up a number of possible devices and technology 18 for discussion with the bus operators. The ideas could 19 be suggested by various parties over the years, but it 20 is the Transport Department to put out a paper to 21 discuss with the bus operators on possible technology or 22 devices to be discussed under that context.</p> <p>23 CHAIRMAN: Who invited the bus manufacturers to be parties 24 to the working group?</p> <p>25 MS MABLE CHAN: The Transport Department.</p>	<p>1 to geo-fencing, but I think at the moment, for them, 2 it's not entirely accurate. But this is something that 3 they might think about and are testing out, whether it 4 will be applicable in the future.</p> <p>5 To answer your question, I don't know anybody 6 actually formally adopting -- using the geo-fencing 7 successfully, but of course we are now all working 8 towards this goal.</p> <p>9 MR DUNCAN: What you've just described would tell you what 10 the bus is doing, but it wouldn't necessarily stop the 11 problem, if there's a problem. What I'm trying to 12 explore with you is whether the geo-fencing would 13 actually provide a measure equivalent to the speed 14 limiter over 70, if the bus was going more than 50 in 15 a 50 zone.</p> <p>16 MS MABLE CHAN: As Mr Chan just supplemented, it appears 17 that the application of this kind of technology is more 18 for fleet management and for tracking of buses or other 19 vehicles over a territory. As to whether this 20 technology can be further applied as to limit the speed 21 or retard the speed, and prohibit the bus driver in 22 speeding beyond 70 or even 50 in some cases, we don't 23 have the information on successful experience overseas.</p> <p>24 We do recollect that some individual bus operators 25 have cautioned that with the availability of technology</p>
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<p>1 CHAIRMAN: Thank you.</p> <p>2 MR DUNCAN: Sorry, did you wish to add to that?</p> <p>3 MR YK CHAN: That's all.</p> <p>4 MR DUNCAN: I was going to ask you this. The geo-fencing to 5 which the chairman referred, in what jurisdictions is 6 that functioning, do you know?</p> <p>7 MR YK CHAN: You mean currently in the world?</p> <p>8 MR DUNCAN: Yes.</p> <p>9 MR YK CHAN: We don't have this information in hand. 10 Actually, I think this technology -- by concept, it may 11 not be new, but in actual applications or actual formal 12 application in other parts of the world, we don't have 13 any information on that.</p> <p>14 But from my information, I gather from the transport 15 operators in Hong Kong, they are actually running this 16 sort of management system, which you can check -- even 17 now, they can check the buses on the computer utilising 18 the GPS system, which partly nowadays people can find 19 out where they are and has estimated arrival time from 20 the application today.</p> <p>21 One thing they do inside, internally, is to sort of 22 mark out certain roads that they consider sensitive, or 23 say they should be operating more safely, and they 24 actually can find out whether those buses are operating 25 above the speed limit. That is something very similar</p>	<p>1 and driver-assisted devices, we should bear in mind that 2 we should not go to the point that the bus drivers rely 3 fully on such kind of devices, to the extent that they 4 are being so accustomed to the device and they do not 5 exert extra care or personal judgment in certain 6 critical situations. This is one thing the bus 7 operators have flagged up in examining the technical 8 feasibility of any technology and devices.</p> <p>9 MR DUNCAN: Yes, I understand, but just for the avoidance of 10 any doubt, is the possibility of a speed limit within 11 the geo-fencing system on the table for discussion?</p> <p>12 MS MABLE CHAN: It is on the table for discussion.</p> <p>13 CHAIRMAN: Mr Duncan, I see we have reached 4.30. If that 14 a convenient moment or not an inconvenient moment?</p> <p>15 MR DUNCAN: Yes, it is.</p> <p>16 CHAIRMAN: Ms Chan and the rest of your team, we are going 17 to adjourn our proceedings for the day now, and as you 18 were invited earlier to make yourself available for 19 tomorrow and you have kindly done so, may I invite all 20 of you to come back at 10 o'clock tomorrow to continue 21 with your testimony.</p> <p>22 MS MABLE CHAN: Thank you.</p> <p>23 CHAIRMAN: Thank you. 10 o'clock tomorrow. 24 (4.32 pm) 25 (The hearing adjourned until 10.00 am the following day)</p>

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