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<p>1 Tuesday, 8 May 2018</p> <p>2 (10.00 am)</p> <p>3 CHAIRMAN: Good morning.</p> <p>4 Ms Chan, might I invite you to resume your seats at</p> <p>5 the table.</p> <p>6 EVIDENCE FROM THE TRANSPORT DEPARTMENT: MS MABLE CHAN,</p> <p>7 MS AMY LEE, MS RACHEL KWAN, MS MACELLA LEE,</p> <p>8 MR REGINALD YK CHAN, MR TONY YAU</p> <p>9 CHAIRMAN: Overnight, the Transport Department has provided</p> <p>10 the committee with material relating to the forward</p> <p>11 planning documents that the various bus companies have</p> <p>12 provided to the Transport Department on bus safety.</p> <p>13 I think at the outset we ought to afford you</p> <p>14 an opportunity -- and I do -- if you wish to make some</p> <p>15 statement about those documents. Otherwise, I will ask</p> <p>16 Mr Duncan to pursue it in examination.</p> <p>17 MS MABLE CHAN: Good morning. Thank you very much,</p> <p>18 Chairman, for giving me this opportunity. I would just</p> <p>19 like to say a very few words on that.</p> <p>20 CHAIRMAN: Please do.</p> <p>21 Further opening statement by MS MABLE CHAN</p> <p>22 MS MABLE CHAN: Actually, I thank the chairman for raising</p> <p>23 this and giving us the opportunity to have a go with the</p> <p>24 bus operators last night, because I do appreciate that</p> <p>25 the request came from the IRC secretariat for sight of</p>	<p>1 their own analysis, and we expect the bus operators to</p> <p>2 propose improvement measures and we expect them to</p> <p>3 include in that programme the implementation timetable</p> <p>4 for the various improvement measures.</p> <p>5 Apart from this forward planning process, we also</p> <p>6 conduct an annual performance assessment by the end of</p> <p>7 each year. That exercise, we will take into account</p> <p>8 nine indicators, of which two are related to safety. As</p> <p>9 I replied to the senior counsel during yesterday's oral</p> <p>10 session, we also maintain an independent database on the</p> <p>11 overall territory-wide accident statistics, in which</p> <p>12 there is also analysis of accident statistics in respect</p> <p>13 of each franchised bus operator. We will also conduct</p> <p>14 independent analysis of the accidents by its nature, by</p> <p>15 its contributing factor, in order to conduct our annual</p> <p>16 performance assessment of each franchised bus operator.</p> <p>17 This assessment is done annually based on independent</p> <p>18 data from the database, independent of the forward</p> <p>19 planning exercise. So the two run in parallel. And the</p> <p>20 annual performance assessment report will also be</p> <p>21 submitted to the Transport Advisory Committee for</p> <p>22 discussion and reference.</p> <p>23 Thank you, Chairman.</p> <p>24 CHAIRMAN: Thank you.</p> <p>25 Mr Duncan.</p>
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<p>1 the whole FPP, but on the basis of the document</p> <p>2 containing commercial value, that's why we did not</p> <p>3 disclose it at the outset, but also noting that it</p> <p>4 comprises an important chapter on bus safety which does</p> <p>5 not comprise commercial value, we actually took the</p> <p>6 opportunity to run it past the bus operators last night</p> <p>7 and we managed to provide the IRC secretariat with</p> <p>8 copies.</p> <p>9 In fact, I would like to say a few words, that the</p> <p>10 forward planning programme is part of the statutory</p> <p>11 requirement that the bus operators would have to submit</p> <p>12 for discussion and agreement with the Transport</p> <p>13 Department.</p> <p>14 It is part of the two-pronged process which the</p> <p>15 Transport Department monitor and regulate the bus</p> <p>16 operators. The bus operators are expected to provide</p> <p>17 an FPP comprising the route development programme as</p> <p>18 well as other operational aspects to the Transport</p> <p>19 Department by the end of June of each year.</p> <p>20 It is since 2003 that the Transport Department has</p> <p>21 required the bus operators to include a dedicated</p> <p>22 chapter on bus safety, and since then that chapter forms</p> <p>23 part of the programme and serves as a planning tool for</p> <p>24 the Transport Department to discuss and monitor the</p> <p>25 accident statistics of each franchised bus operator in</p>	<p>1 Examination by MR DUNCAN (continued)</p> <p>2 MR DUNCAN: Thank you, Chairman.</p> <p>3 Good morning, Ms Chan, and ladies and gentlemen.</p> <p>4 Thank you again for your homework last evening. What</p> <p>5 I would like to do is just note the documents which have</p> <p>6 been provided overnight, first of all, and then ask you</p> <p>7 a couple of questions about those.</p> <p>8 With regard to the forward planning programmes, the</p> <p>9 safety parts of that, I will have questions on those</p> <p>10 later this morning. So I won't spend any time on those</p> <p>11 at the moment.</p> <p>12 You have also, via your submission overnight,</p> <p>13 provided us with a number of other matters that were</p> <p>14 raised during the evidence yesterday, and for those</p> <p>15 I thank you.</p> <p>16 There is just one of those matters referred to in</p> <p>17 your submission that I would like to ask you a little</p> <p>18 bit about. If you could turn to paragraph 8 of the</p> <p>19 overnight supplementary written submission, there is</p> <p>20 reference there to the Working Group on Enhancement of</p> <p>21 Safety of Franchised Buses. The committee has been</p> <p>22 informed that that group was formed after the Tai Po</p> <p>23 accident in February of this year, and contains as its</p> <p>24 membership, amongst others, representatives of bus</p> <p>25 companies.</p>

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<p>1 You mentioned right at the end of the submission 2 that the first meeting of that group was held on 3 13 March this year. My question is: how many meetings 4 have been held since that date? 5 MS MABLE CHAN: Two meetings. 6 MR DUNCAN: Since then, so three meetings in total? 7 MS MABLE CHAN: Two meetings at the working group level and 8 then two meetings at the technical meeting, focusing on 9 bus safety devices and technology. 10 MR DUNCAN: Thank you. So one meeting on 13 March and one 11 subsequent meeting? 12 MS MABLE CHAN: Yes, I think on 24 April, if I remember. 13 23 April. 14 CHAIRMAN: I think you gave us that date yesterday. You 15 mentioned two dates. 16 MS MABLE CHAN: Yes, in the opening statement. 17 MR DUNCAN: Thank you. 18 And the technical meeting, who attends the technical 19 meeting? 20 MS MABLE CHAN: Perhaps I will ask Rachel, because she 21 convened the technical meeting. 22 MS RACHEL KWAN: Thank you, Ms Chan, and good morning, 23 Mr Chairman. 24 The bus companies and the bus manufacturers, 25 representatives of them have attended the meeting.</p>	<p>1 everything on our website. We are not taking any 2 information from anybody that is not disclosed publicly. 3 But what we have in mind -- one imagines, when there 4 is a technical meeting and you are discussing what 5 technology might be used in Hong Kong, and bus 6 manufacturers come to help in the meeting, are we 7 correct to assume that there would have been papers put 8 forward by them? For example, speed limiters, you can 9 do it passively by cutting off fuel but you can also do 10 it actively, for example, by engaging gears and applying 11 brakes. Are there any papers of that nature, saying, 12 "These are the technological advances" -- is there 13 material of that kind? 14 MS MABLE CHAN: There have not been papers as such so far. 15 We have tabled a scope of work and also the items to be 16 discussed and explored at the meetings. But the 17 attendees haven't proposed or tabled any papers so far. 18 CHAIRMAN: Perhaps "papers" is too technical. Anything in 19 writing? It's hard to believe that you have meetings 20 with nothing in writing about these kind of obvious 21 issues, because I think it's the Transport Department 22 that's identified the various technological devices that 23 might be used. 24 MS MABLE CHAN: Chairman, because at the first two meetings 25 we have listed out possible devices and technological</p>
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<p>1 MR DUNCAN: The technical meetings? 2 MS RACHEL KWAN: Yes. 3 MR DUNCAN: Now, are minutes kept of these meetings? 4 MS RACHEL KWAN: Yes. 5 MR DUNCAN: Would the committee be able to obtain copies, 6 please, of the minutes? 7 MS RACHEL KWAN: Sure. 8 MS MABLE CHAN: As far as minutes are concerned, because as 9 a general rule it is comprised of internal 10 deliberations, and our general principle is that we will 11 not disclose the internal deliberations which may 12 comprise incomplete analysis and research and may affect 13 candid discussion within the government. 14 But we can surely provide some relevant extracts of 15 the deliberations in terms of the measures being 16 proposed and also actions being explored for the IRC's 17 information. 18 MR DUNCAN: I know the committee is particularly interested 19 in the technical considerations being given by those two 20 groups, and it's in that context that I ask that the 21 minutes be provided. 22 MS MABLE CHAN: If the committee considers it important to 23 see the minutes, we may be able to provide to the 24 committee in confidence. 25 CHAIRMAN: No. We are operating transparently, with</p>	<p>1 matters to be explored and discussed, and we are 2 attending the attendees to go back and study and then to 3 come back. So I would have thought that for 4 facilitating the discussion in future meetings, there 5 will be analysis papers for us to consider. 6 Thank you. 7 CHAIRMAN: Thank you. 8 Yes, Mr Duncan. 9 MR DUNCAN: There is one other matter which I referred to 10 you yesterday during the evidence, and in respect of 11 which I did not ask for any particular reports. That 12 was a matter which you mentioned during your evidence, 13 when you mentioned quarterly undertaking -- quarterly 14 reports to the Road Safety Council, in the context of 15 monitoring. 16 Could I make a request, please, that we obtain 17 copies of, or samples, of those quarterly reports? 18 MS MABLE CHAN: Yes. 19 MR DUNCAN: That can be arranged? 20 MS MABLE CHAN: Yes, samples of quarterly reports, sure. 21 MR DUNCAN: If we just go back to that matter that I have 22 raised, and you had a discussion with the chairman, the 23 minutes of the four meetings. I understand your 24 reluctance. I think at the early stage of the exchange 25 with the chairman, you indicated that there would be no</p>

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<p>1 problem with some parts of the minutes being 2 communicated to the committee. Is that correct? 3 MS MABLE CHAN: I will seek further legal advice as to how 4 to facilitate the committee to appreciate the work of 5 the working group and also the technical meeting. 6 MR DUNCAN: Right. We will leave that in your court for the 7 moment. 8 MS MABLE CHAN: Yes. 9 MR DUNCAN: And would be grateful for your response in due 10 course. 11 MS MABLE CHAN: Sure. 12 MR DUNCAN: Thank you. 13 There were two other matters, just dealing with 14 yesterday's proceedings, before I proceed this morning, 15 that I wish to raise. The first related to the reason 16 why no changes were made to the guidelines following the 17 administration's undertaking to look at the guidelines 18 again after the 2012 accident. That was a matter 19 I think that you said you would look into further. 20 Have you had the opportunity of looking further into 21 that as yet? 22 MS MABLE CHAN: I'm sorry, but in the interests of time we 23 have not been able to do thorough file research, but we 24 will do that as quickly as possible and we will provide 25 written response on that.</p>	<p>1 franchised buses, the phrase "no correlation" is 2 repeated frequently when one looks at more or less 3 anything: bus models, ages of drivers, number of hours 4 working. 5 MS MABLE CHAN: Chairman, as I have said, those analyses are 6 conducted and prepared by the bus companies. In our own 7 independent analysis for reporting to the Road Safety 8 Council, we do analyse the accidents, be it fatal or 9 serious, and then in our analysis we will try to 10 identify common factors, for example driver behaviour or 11 the involvement of vehicles in those accidents. 12 CHAIRMAN: And that's a separate independent report? 13 MS MABLE CHAN: Yes. 14 CHAIRMAN: And you are making that available to us? 15 MS MABLE CHAN: In the Road Safety Council quarterly report. 16 CHAIRMAN: Yes. Thank you. 17 MR DUNCAN: Let's turn then to the bus safety contents of 18 the forward planning programmes, the documents that were 19 sent to us over the break. 20 I have looked at these in three groups, because 21 although I think there are five franchisees, Kowloon 22 Motor Bus and Long Win provide the same sort of reports; 23 Citybus and New World First Bus Services, they supply 24 the same sort of reports, that's the second type; and 25 then the New Lantao Bus Company provides a third form of</p>
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<p>1 MR DUNCAN: Thank you. 2 One other matter was the question of the 3 full-time/part-time drivers, when I asked whether the 4 department had conducted any analysis as to the 5 relationship between the two and accidents as a whole, 6 whether any analysis had been carried out, and you 7 indicated that you did not have the information at hand, 8 but perhaps some research could be done on that and the 9 information supplied. 10 Is work being undertaken on that particular issue? 11 MS MABLE CHAN: Perhaps I can clarify on that. Based on the 12 analysis provided by the companies over the years, 13 especially in the forward planning programme, in the bus 14 safety section, in analysing the accident by its 15 category and its nature, there is no analysis or 16 information pointing towards part-time bus captains as 17 being the contributing factor to the accidents. In 18 other words, there is no information as revealed from 19 those analysis that there is a correlation between the 20 deployment of part-time bus captains with the accidents. 21 So this is the basis based on which I mentioned 22 yesterday that there is no information leading to such 23 kind of correlation. 24 CHAIRMAN: Having had an opportunity briefly to go through 25 the forward planning papers provided by the various</p>	<p>1 report. 2 Can I ask you first this: the type of information 3 which is contained in these reports relating to bus 4 safety, is that determined by the department or is it 5 left to the bus companies to say, "This is what we will 6 put in the FPP"? 7 MS MABLE CHAN: As I have mentioned in my opening statement 8 this morning, the requirement for including a bus safety 9 chapter in the forward planning programme dates back to 10 2003. Since 2003, as an annual exercise, the department 11 will keep track of the information supplied by the bus 12 operators in terms of bus safety, accident analysis in 13 the forward planning programme, and then we will write 14 to the bus operators in around April or May on issues to 15 be covered and provided in the upcoming forward planning 16 programme. 17 In terms of bus safety, there are occasions at which 18 the department will make special request on certain 19 areas to be covered. So, basically, the scope of 20 information, and sometimes on an occasional basis the 21 specific areas provided by the bus companies are made on 22 the advice of the TD. 23 MR DUNCAN: So who prepares the first draft of the document? 24 MS MABLE CHAN: The colleagues in the Bus and Railway 25 Branch.</p>

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<p>1 MR DUNCAN: Right. And have they been given a list of</p> <p>2 topics that need to be covered, or do they generate</p> <p>3 their own list of topics that the department then</p> <p>4 examines?</p> <p>5 MS MABLE CHAN: It is an evolving exercise. So it starts</p> <p>6 off with framework on the coverage of the areas to be</p> <p>7 included in the various chapters. But over the years,</p> <p>8 there are also topics, list of topics, in those letters,</p> <p>9 as and when needed, to be provided to the operator, to</p> <p>10 guide them to include certain things in the chapter.</p> <p>11 MR DUNCAN: Now, we have noticed that these programmes, the</p> <p>12 safety parts of these programmes, contain quite</p> <p>13 an amount of statistical information relating to</p> <p>14 accidents and to accident causes. You will be aware of</p> <p>15 that?</p> <p>16 MS MABLE CHAN: Yes.</p> <p>17 MR DUNCAN: They also contain information from the companies</p> <p>18 as to what they describe as their safety measures, and</p> <p>19 their proposed safety measures.</p> <p>20 If I could take you to one example of the proposed</p> <p>21 measures, by asking you to turn to that of the New World</p> <p>22 First Bus Services Ltd, which is annex 3 to your</p> <p>23 material overnight. I'm looking at page 6, internal</p> <p>24 numbering, of that document., which has been apparently</p> <p>25 noted now as page 200 of the bundle.</p>	<p>1 as they are described? And the two you have noted, are</p> <p>2 they respectively "Safety-related defects per bus</p> <p>3 examination", and then "No. of buses involved in</p> <p>4 accidents per million vehicle-kilometre"? Are they the</p> <p>5 two that you have referred to?</p> <p>6 MS MABLE CHAN: (Nodded head).</p> <p>7 MR DUNCAN: Thank you.</p> <p>8 When the department conducts that annual assessment,</p> <p>9 does it carry out any sort of check on the individual</p> <p>10 matters which a bus operator has indicated it is going</p> <p>11 to pursue during that particular year? For example, the</p> <p>12 14 items which are contained in the New World</p> <p>13 submission.</p> <p>14 MS MABLE CHAN: I would say yes.</p> <p>15 MR DUNCAN: When you say you would say yes, why would you</p> <p>16 say that? Does it or does it not?</p> <p>17 MS MABLE CHAN: The annual performance assessment was made</p> <p>18 on a company basis. So the Transport Department will</p> <p>19 look at the accident performance of the individual bus</p> <p>20 operators, in terms of the safety, by means of the two</p> <p>21 indicators. And the forward planning programme,</p> <p>22 in particular bus safety chapter, actually serves as</p> <p>23 a tool for us to study and examine better the</p> <p>24 circumstances faced by the bus companies and also their</p> <p>25 performance in terms of safety.</p>
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<p>1 Do you see on that page clause 5.3, "Measures and</p> <p>2 implementation programme to enhance safety"? Are you</p> <p>3 looking at that page?</p> <p>4 MS MABLE CHAN: Yes.</p> <p>5 MR DUNCAN: Thank you. Then if you look at the text:</p> <p>6 "Apart from disciplinary actions taken, measures and</p> <p>7 programmes planned to reduce common types/causes of</p> <p>8 accidents are listed below".</p> <p>9 And there's a series of measures, no less than</p> <p>10 14 measures described there by the company.</p> <p>11 You mentioned yesterday and again this morning, in</p> <p>12 fact, the annual performance assessment of the</p> <p>13 franchised bus operators, and the fact that -- and</p> <p>14 I think what you were informing the committee was that</p> <p>15 safety is taken very seriously because if you look at</p> <p>16 the nine indicators, two of them are concerned with</p> <p>17 safety matters.</p> <p>18 MS MABLE CHAN: Yes.</p> <p>19 MR DUNCAN: Could we just go to those. I think you will</p> <p>20 find that in TD-2 at page 316.</p> <p>21 Are you at the page that reads, "Summary of</p> <p>22 performance of the franchised bus operators in 2016"?</p> <p>23 Do you have that in front of you?</p> <p>24 MS MABLE CHAN: (Nodded head).</p> <p>25 MR DUNCAN: Thank you. Do you see the nine key indicators,</p>	<p>1 So this actually serves as the basis for the</p> <p>2 Transport Department to assess the annual performance</p> <p>3 assessment of that company.</p> <p>4 MR DUNCAN: There is nothing in this summary that indicates</p> <p>5 that the department reaches into the individual</p> <p>6 companies' statements as to what they are going to do</p> <p>7 during a particular year. It's confined to accidents</p> <p>8 per million vehicle-kilometres and safety-related</p> <p>9 defects which are picked up during the oral examination.</p> <p>10 MS MABLE CHAN: I can ask my colleague to search in our</p> <p>11 covering paper, paper number 2, but I think there is --</p> <p>12 yes, may I refer to paper number 2, appendix -- sorry,</p> <p>13 paper number 1, appendix M, "Performance of franchised</p> <p>14 bus operation in 2016". This is a sample of an annual</p> <p>15 performance assessment we did for the franchised bus</p> <p>16 operation; appendix M to paper 1.</p> <p>17 CHAIRMAN: Yes. Mr Duncan, can you give us a page number</p> <p>18 for that?</p> <p>19 MR DUNCAN: 305.</p> <p>20 CHAIRMAN: Thank you.</p> <p>21 Yes. You were speaking to this document,</p> <p>22 "Performance of franchised bus operation"?</p> <p>23 MS MABLE CHAN: Yes. In paragraph 19, "Bus safety</p> <p>24 measures", it summarises our assessment in overall terms</p> <p>25 on the franchised bus performance in terms of the bus</p>

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<p>1 safety aspects, and also the common factors identified 2 in those accidents. In particular in that year, the 3 2016 performance: 4 "[The] accidents typically involved passengers 5 losing balance inside bus compartment due to various 6 reasons, such as not holding the handrail tightly, or 7 falling down when boarding or alighting. The operators 8 have made efforts in enhancing safety of bus operation 9 through various measures." 10 Then we include in the summary the performance of 11 individual bus operators in that particular year. 12 Then in annex B to that paper, we also mention the 13 various measures to enhance safety of bus operations. 14 Thank you, Chairman. 15 MR DUNCAN: Do I understand you to say that they are 16 specifically taken into account during the annual 17 performance review? 18 MS MABLE CHAN: Yes. 19 MR DUNCAN: Thank you. 20 Now, I'm going to leave those safety provisions now 21 of the forward planning programme, so you can put those 22 to one side. 23 I want to turn now to the topic of passenger 24 behaviour, which has been a topic in many of the 25 submissions made to the committee. The committee has</p>	<p>1 prosecuting the perpetrators. Union representatives 2 also expressed that, apart from the general insurance 3 that bus companies provide to its employees, there is no 4 other support to frontline bus captains." 5 If you would bear that in mind, and then also refer, 6 please, to 256 -- 7 CHAIRMAN: Before you move on, this was a meeting on 8 4 October 2016? 9 MR DUNCAN: That's correct. 10 Then at 256-8, you will see minutes of a meeting on 11 27 March 2017. The Chinese of that will be at page 245. 12 If I could refer you to the translation at 256-13, where 13 we have the heading under (vi), "Bus captains being 14 assaulted and prosecution standard for the 15 perpetrators": 16 "The representative of the union paid close 17 attention to incidents of assaults on bus captains. 18 Even though the bus captains being assaulted reported to 19 the police, most of the times when the police arrived 20 they suggested the parties to settle the case instead of 21 prosecuting the relevant persons. Besides, the bus 22 company only provided insurance coverage for its staff. 23 The police expressed that they will not tolerate the 24 use of violence, and asked that if the bus captains 25 encounter such situation they must call for police and</p>
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<p>1 been alerted to what is said to be an increasing 2 occurrence of both verbal and physical assaults on bus 3 drivers in recent times. 4 The committee has heard these allegations from 5 different sources, so from trade union movement, from 6 LegCo itself, and also from one of the bus companies, 7 KMB. 8 If I could just put this matter in perspective. Can 9 I ask you to go to the TU bundle at page 256, please. 10 In fact it's 256-1, the document which I ask you to look 11 at, which is -- forgive me, but it's an English 12 translation, and not certified, of minutes of a meeting 13 between the Federation of Bus Industry Trade Unions and 14 the Department. Do you see that document? 15 MS MABLE CHAN: Yes. 16 MR DUNCAN: If you want to look at the Chinese, I will give 17 you the reference to that. 250 for the Chinese. 18 Now I wish to take you to the translation, 256-5, 19 which is under the heading, "Issues on personal safety 20 of bus captains". If I could read from the translation: 21 "Representatives of the union expressed concern on 22 the recent incidents where bus captains were attacked, 23 although the bus captains under attack reported to the 24 police, in many cases, the police upon arrival would 25 suggest the parties to settle the matter, without</p>	<p>1 endeavour to seek witness(es) for the police's further 2 handling." 3 Perhaps I should have mentioned, if you go back to 4 the minutes of the meeting, you will see there the 5 persons present: the government representatives, the 6 District Councillors and the Federation of Unions, and 7 so on. 8 Then thirdly, for the trade unions' complaints, 9 page 256 -- 10 CHAIRMAN: Before you move on, it is said that the police 11 expressed a view. Was a police officer present at the 12 meeting? 13 MS MABLE CHAN: Yes. 14 CHAIRMAN: Where is he identified? 15 MS MABLE CHAN: Mr Tsang Moon Lun, chief inspector on 16 traffic safety from the police department, 256-8. 17 CHAIRMAN: Ah, yes. Thank you. 18 MR DUNCAN: Thank you. 19 Then if you go to page 256-16, please. That's the 20 translation. The Chinese is at page 250. If I could 21 take you to the translation, 256-18, you will see the 22 minutes of a meeting on 20 July 2017, again a meeting 23 with representatives of the Transport Department, the 24 police force and the Hong Kong Federation of Trade 25 Unions for the Bus Industry.</p>

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<p>1 If I could bring your attention, please, to 256-18, 2 and the entry at item (ii), "Assault incident on bus 3 captain". It's long, so I won't read that out, but if 4 you could just read through it quickly, please, and 5 I will pick it up at the last couple of paragraphs. In 6 fact, I will pick it up at the last paragraph: 7 "Further, the police and the trade union recommended 8 to install protective equipment during bus captains' 9 driving. The Transport Department will address the 10 trade unions' concern to the Transport Department." 11 I'm sure that's not particularly well expressed. 12 The Transport Department no doubt was alerted to the 13 concern of the unions. 14 MS MABLE CHAN: Chairman, if I may, I am also looking at the 15 original, the Chinese version of the minutes -- 16 CHAIRMAN: Yes. 17 MS MABLE CHAN: -- which is on page 251. On that particular 18 item, it is recorded that the Transport Department will 19 relay the trade unions' concerns to the bus operators. 20 CHAIRMAN: Thank you. So there's an infelicity in the 21 translation? 22 MS MABLE CHAN: Yes. 23 MR DUNCAN: I am grateful for that. Thank you. I will come 24 back to that in a moment. 25 But if I could just go to some of the other examples</p>	<p>1 MS MABLE CHAN: I have done a cursory reading of the 2 submissions. Thank you. 3 MR DUNCAN: Thank you. 4 Can I take you to page 62, please, and the top of 5 the page, perhaps you can just read to yourself the 6 first entry there, indicated by the indicator, 7 commencing with, "In response to increasing number of 8 assaults against [bus captains], we have taken the 9 following measures". 10 CHAIRMAN: Mr Duncan, to assist those who are following this 11 with simultaneous translation, given that the document 12 is displayed only in English, perhaps I could invite you 13 to read what you say are the relevant parts of the 14 document. 15 MR DUNCAN: There is a reference in that passage, I think, 16 Ms Chan, to "Surveillance cameras, including 17 forward-looking cameras and a camera covering the driver 18 seat, have become standard features on all new buses 19 since 2015." 20 Do you see that reference? 21 MS MABLE CHAN: Yes. 22 Q. And: 23 "Up to February 2018, surveillance cameras were 24 installed in 2,319 KMB buses and 146 [Long Win] buses. 25 The remaining buses will be equipped with surveillance</p>
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<p>1 of this being brought to the attention of the 2 department. 3 Can we go to SEC-2, please. There is, again, 4 a translation at 815 of a communication in Chinese, at 5 page 814. This is a document actually addressed within 6 LegCo. Do you know whether the department became 7 alerted to this matter? 8 MS MABLE CHAN: I do not have the information at hand. 9 MR DUNCAN: Thank you. 10 CHAIRMAN: Perhaps you could give us more information, the 11 date and between whom the communication is made? 12 MS MABLE CHAN: Because this letter was not addressed to us 13 but we can check. 14 CHAIRMAN: Sorry, I'm asking Mr Duncan. 15 What is the date of this communication? 16 MR DUNCAN: This is dated 19 May 2016, and it is addressed 17 to the chairman of the Panel on Transport Affairs within 18 the Legislative Council. But if you haven't seen this, 19 I won't ask you any further questions about this. 20 Then finally can I take you, please, in this 21 context, to KMB bundle 1, at page 62. 22 This document is part of the submission made by the 23 Kowloon Motor Bus Company to the committee. I'm not 24 sure whether you've had the opportunity of reading this, 25 Ms Chan. Have you?</p>	<p>1 cameras phase by phase. Surveillance cameras capture 2 the behaviour (with audio recording) of difficult 3 passengers. It will protect the interest of [bus 4 captains] in subsequent investigation by the police or 5 legal proceedings." 6 Then there is reference to the fact that the company 7 intends to install a protective shield near the driver 8 seat starting from June 2018, and they say: 9 "We have added more on-board announcements to advise 10 passengers not to do certain acts that will affect the 11 [bus captains] and other passengers." 12 Finally, they indicate that they "offer legal 13 support to [bus captains] after they have been 14 assaulted." 15 With that background, from those papers, could I ask 16 you a few things. 17 First of all, when I raised this issue, the issue of 18 passenger behaviour, with the bureau yesterday, we were 19 told that the department has been directed to prepare 20 an education plan in respect of this matter. What is 21 the status of this education plan? 22 MS MABLE CHAN: Thank you, senior counsel. The issue of 23 passengers' behaviour or aggression towards bus captains 24 was particularly discussed in the context of the 25 Transport Advisory Committee's meeting in March, when we</p>

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<p>1 presented our actions to be followed for the Tai Po 2 accident.</p> <p>3 As we reported to the Transport Advisory Committee 4 at that meeting in March, we reported that the 5 department or the government is aware of the concern of 6 the bus captains of incidents of passenger assault or 7 aggression towards bus captains, and we reported that 8 this matter was actually followed through in the Road 9 Safety Council, in which both Transport Department and 10 also the police are members.</p> <p>11 We also reported that, as an ongoing education and 12 publicity campaign, there are radio APIs, TV programmes, 13 in Chinese it's "ging sun", educating the public on the 14 appropriate behaviour of passengers when aboard buses.</p> <p>15 At the meeting, after the discussion at the 16 Transport Advisory Committee meeting, we are tasked to 17 look into that and devise a more comprehensive publicity 18 and education plan in this particular matter. Since 19 then, in the 77th meeting of the Road Safety Campaign 20 Committee, which is a committee formed under the Road 21 Safety Council to look at campaign matters, in the 22 meeting held on 13 April 2018, it has been agreed that 23 the attitude of passengers will be one of the themes for 24 the road safety campaign in 2018-19. The first 25 publicity activity is to produce the radio API for the</p>	<p>1 to?</p> <p>2 MS MABLE CHAN: By education plan, we think that education 3 is a very important element in bringing out the key 4 messages that passengers should bear in mind when they 5 are aboard public transport vehicles.</p> <p>6 One of the messages that we have been deliberating 7 with the operators and within ourselves is that it is 8 the joint responsibility of the driver and the 9 passengers to ensure a safe and decent journey from the 10 origin to the destination.</p> <p>11 Thank you.</p> <p>12 MR DUNCAN: KMB have indicated that they have installed, and 13 will continue to install, surveillance cameras in their 14 buses. Is that a requirement of the Transport 15 Department to KMB?</p> <p>16 MS MABLE CHAN: No.</p> <p>17 MR DUNCAN: Have you had discussions with any of the other 18 bus companies with regard to the installation of 19 surveillance cameras?</p> <p>20 MS MABLE CHAN: Personally, I am aware of the KMB's measures 21 such as the installation of surveillance cameras. They 22 have raised it with us at regular discussions, and also 23 at the board meeting level. This issue was not 24 particularly raised at the board meetings of the other 25 bus operators, as far as I am aware, but we are also</p>
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<p>1 purpose of educating passengers on appropriate 2 behaviour, and disseminating the road safety message in 3 the third quarter of this year.</p> <p>4 From the Transport Department's side, we also raised 5 this issue with other public transport operators, for 6 example the taxi trade. This is also one of the issues 7 raised by the taxi drivers, and we are devising a code 8 of practice and guidelines for quality taxis, to improve 9 the taxi quality of the existing 18,000 taxis under the 10 existing regime.</p> <p>11 Apart from the chapters on drivers, we will also 12 include a chapter on passengers' responsibility and 13 attitude.</p> <p>14 I have also raised with the MTRC at our annual 15 operational review committee that we are planning to 16 launch a comprehensive education and publicity campaign 17 territory-wide, involving the various public transport 18 operators. That means not only bus operators but also 19 MTRC and taxis, et cetera.</p> <p>20 We are considering the details of the plan and we 21 hope to be able to launch the relevant publicity 22 activity towards the end of 2018.</p> <p>23 Thank you, senior counsel.</p> <p>24 MR DUNCAN: So, by an education plan, we are really talking 25 about a series of measures, are we? Is that it amounts</p>	<p>1 aware that they are thinking of various ways to help the 2 bus drivers deal with this issue, in order to 3 facilitate, in the occasions whereby the passengers have 4 any aggressive attitude towards the drivers, and that 5 may lead to dispute on the spot, would there be any 6 device to help to have some objective evidence?</p> <p>7 On the other hand, the Transport Department has not, 8 up to this stage, required this kind of installation, 9 knowing that there may be implications on other aspects, 10 the sentiments of the drivers towards this kind of 11 device.</p> <p>12 So this is an issue which is ongoing discussed 13 within the bus operators. Thank you.</p> <p>14 MR DUNCAN: So the Transport Department is not pursuing this 15 matter? You are leaving it to the bus companies?</p> <p>16 MS MABLE CHAN: We consider that, as I have said at the 17 meetings between the Transport Department and the trade 18 unions, we have relayed the concerns to the bus 19 operators and we expect the bus operators to look into 20 ways to address the occasions and incidents happening 21 involving the bus drivers of the companies and seeing 22 what suitable facilities or measures can be taken, 23 having taken into account the employees' concerns, 24 sentiments.</p> <p>25 Thank you.</p>

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<p>1 CHAIRMAN: So the answer is yes, it's being left to the bus 2 operators?</p> <p>3 MS MABLE CHAN: I would not say so, because we consider the 4 passengers' attitude towards the drivers is an important 5 issue, and we have over the years taken efforts to 6 promote this message and do education and publicity 7 exercise. We are aware that the trade unions have 8 expressed this kind of concern to the bus companies and 9 to the Transport Department, and we have relayed this 10 matter to the bus operators. We take a keen interest on 11 how the bus companies will address this concern, and we 12 welcome the measures that will be produced by the bus 13 companies.</p> <p>14 On the other hand, to answer the chairman's 15 question, we do not totally refer the matter to the bus 16 companies, because we know that specific devices such as 17 surveillance cameras may have its own implications. So 18 we do want the bus companies to look into this 19 carefully.</p> <p>20 Thank you.</p> <p>21 CHAIRMAN: I'm sorry, can I ask you what you mean by 22 surveillance cameras have their own implications? Can 23 you amplify what you mean by that?</p> <p>24 MS MABLE CHAN: Based on our understanding and discussions 25 at the board meetings of KMB, as an example, there are</p>	<p>1 the Transport Department as a matter worth pursuing, and 2 if so whether the Transport Department is suggesting 3 this to any of the other bus companies.</p> <p>4 MS MABLE CHAN: This is a measure taken by the KMB in 5 response to the concerns and suggestions from the bus 6 captains towards the management, and we are aware of 7 that.</p> <p>8 CHAIRMAN: The question was have you suggested to other bus 9 companies or operators that they look at this?</p> <p>10 MS MABLE CHAN: We have suggested this measure to the other 11 bus companies for consideration.</p> <p>12 MR DUNCAN: So it would be entirely up to them as to whether 13 they engage with it or not?</p> <p>14 MS MABLE CHAN: Yes.</p> <p>15 MR DUNCAN: It would be their decision?</p> <p>16 MS MABLE CHAN: At the present moment, yes.</p> <p>17 CHAIRMAN: Mr Duncan, do we have any photographs in the 18 material that we've got as to what is meant by 19 a protective shield?</p> <p>20 MR DUNCAN: We will try and locate that, Mr Chairman. 21 One of the questions I raised with Mr Lai from the 22 bureau yesterday was whether or not any of the bus 23 companies had passed its own by-laws so that it could 24 act in respect of the conduct of its drivers or 25 passengers, and he wasn't sure precisely what the</p>
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<p>1 some concerns expressed by the bus captains that with 2 the installation of the surveillance cameras in front of 3 the driving seat, it may intrude into their personal 4 privacy, and we have also received some complaints on 5 that front.</p> <p>6 Thank you.</p> <p>7 CHAIRMAN: From bus captains, through trade unions?</p> <p>8 MS MABLE CHAN: Trade unions, yes.</p> <p>9 CHAIRMAN: Do we have that documented anywhere, in any of 10 the material that we have?</p> <p>11 MS MABLE CHAN: We may not be able to find it but we will 12 try to locate.</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 So, on the one hand, bus captains or at least some 15 of them are concerned about their own safety and being 16 abused, and yet others are concerned about privacy? Is 17 that it?</p> <p>18 MS MABLE CHAN: Yes.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MR DUNCAN: What about the matter of protective shields? Is 21 that a matter which is being considered by the Transport 22 Department as a suitable measure?</p> <p>23 MS MABLE CHAN: This is also an initiative of the bus 24 company, in this case the KMB.</p> <p>25 MR DUNCAN: Right, but my question is whether it occurs to</p>	<p>1 position was with regard to by-laws.</p> <p>2 What is the position? Have any of the bus companies 3 passed the by-laws provided for by the ordinance?</p> <p>4 MS MABLE CHAN: We have checked on this specifically. At 5 the present moment, the bus companies have not passed 6 any by-laws at the present moment. As our colleagues 7 have recalled, it appears that at least for the past ten 8 years this issue has not been raised by the bus 9 operators.</p> <p>10 MR DUNCAN: It hasn't been raised by the bus operators, but 11 has the department considered that the passing of 12 by-laws by the bus companies may be able to provide some 13 assistance in respect of the problem which seems to be 14 reasonably prevalent and for which the police have 15 apparently found difficulty in taking prosecution?</p> <p>16 MS MABLE CHAN: The current legislative requirement under 17 the Public Bus Services Regulations and also the Road 18 Traffic (Public Service Vehicles) Regulations have 19 provisions stated about the general conduct of 20 passengers, prohibiting bus passenger disorderly conduct 21 on public bus, including not to obstruct or distract the 22 driver.</p> <p>23 So there is a legislative basis for overseeing this 24 matter. Thank you.</p> <p>25 MR DUNCAN: You might understand a comment that this may not</p>

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<p>1 be the top of the police force's priorities, whereas the</p> <p>2 bus companies would be far more concerned about it.</p> <p>3 MS MABLE CHAN: I am not in a position to respond on behalf</p> <p>4 of the police.</p> <p>5 MR DUNCAN: Now, to the knowledge of the department, are</p> <p>6 drivers provided with any training with regard to how</p> <p>7 they should deal with an unruly passenger?</p> <p>8 MS MABLE CHAN: I am aware that the bus companies have</p> <p>9 included modules on handling passengers and during</p> <p>10 stressful situations as part of their training courses</p> <p>11 for in-service bus captains, as well as new recruits.</p> <p>12 MR DUNCAN: Given the fact that trade unions have complained</p> <p>13 about this, has the department looked into those modules</p> <p>14 to see what sort of training procedures might be</p> <p>15 available?</p> <p>16 MS MABLE CHAN: The mentioning about the inclusion or</p> <p>17 enhancement of stressful courses, handling courses, as</p> <p>18 part of their training is mentioned in the forward</p> <p>19 planning programme, and we also take that into account</p> <p>20 and it is actually our plan to formalise the alignment</p> <p>21 of the training framework, to ensure that this will form</p> <p>22 part of the modules in the training for the new recruits</p> <p>23 as well as the in-service bus captains.</p> <p>24 At the present moment, the bus companies are</p> <p>25 offering such kind of training courses to handle</p>	<p>1 It is shown on the screen, page 131.</p> <p>2 CHAIRMAN: Paragraph 15?</p> <p>3 MS MABLE CHAN: Yes.</p> <p>4 CHAIRMAN: Thank you.</p> <p>5 MS MABLE CHAN: The training of bus captains to handle this</p> <p>6 kind of situation involving passengers is a very</p> <p>7 important issue to be addressed. We know that at the</p> <p>8 present moment various bus companies have included such</p> <p>9 kind of module, but we think that it is very important</p> <p>10 to align and formalise the requirement, to make sure</p> <p>11 that this module is included in the training for new</p> <p>12 recruits as well as in-service captains, and we want to</p> <p>13 set out a guideline on the weighting and the contents of</p> <p>14 this relevant module, to make sure that there are</p> <p>15 appropriate training to be provided for bus captains, to</p> <p>16 equip them with the necessary skills and to prepare them</p> <p>17 psychologically for such kind of distressful situations.</p> <p>18 Thank you, Chairman.</p> <p>19 CHAIRMAN: So when you say "an alignment", and you say</p> <p>20 "formalise", you mean issue guidelines so that they are</p> <p>21 the same for all bus operators?</p> <p>22 MS MABLE CHAN: Yes. In a way, we plan to issue a guideline</p> <p>23 requiring all the bus operators to include this kind of</p> <p>24 training as their training framework, and we will also</p> <p>25 plan to set out the basic duration and also the relative</p>
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<p>1 passengers during particular occasions whereby the</p> <p>2 drivers may feel offended.</p> <p>3 MR DUNCAN: Are you aware of any protocols that are in place</p> <p>4 for the drivers that they should follow if there is</p> <p>5 an incident arising from the behaviour of a passenger?</p> <p>6 MS MABLE CHAN: I can speak from my personal knowledge, that</p> <p>7 the KMB have set out some rules, basic rules, for their</p> <p>8 drivers to follow and to observe in handling such kind</p> <p>9 of situations.</p> <p>10 MR DUNCAN: Have you examined those?</p> <p>11 CHAIRMAN: Forgive me, Mr Duncan. Whilst this is fresh in</p> <p>12 my mind. You say you intend to formalise alignment of</p> <p>13 training framework. What do you mean by that?</p> <p>14 MS MABLE CHAN: Chairman, the Working Group on Enhancement</p> <p>15 of Bus Safety formed in March, the terms of reference</p> <p>16 and the scope of work included the enhancement of</p> <p>17 training as one of the areas to be looked into. As</p> <p>18 mentioned in our paper 11, TD paper 11, "Training and</p> <p>19 health checks of bus captains", we have reported that</p> <p>20 our intention is to set out the guidelines on the</p> <p>21 training framework in order to align the content and the</p> <p>22 modules of the training.</p> <p>23 CHAIRMAN: Take your time to locate what you are looking</p> <p>24 for.</p> <p>25 MS MABLE CHAN: Let me try to locate it.</p>	<p>1 weighting of each of the modules, so it will form</p> <p>2 a framework for the bus operators to follow, so that</p> <p>3 there will be a common basis for the individual bus</p> <p>4 operators to conduct internal monitoring and audit. By</p> <p>5 such kind of device, we can align the practice of the</p> <p>6 various bus operators.</p> <p>7 Although the duration and the frequency may vary in</p> <p>8 very detailed way, but there will be a basic minimum</p> <p>9 duration required, and also the weighting to be accorded</p> <p>10 to the various modules under the broad training</p> <p>11 framework.</p> <p>12 CHAIRMAN: What do you mean by "weighting"?</p> <p>13 MS MABLE CHAN: The relative weighting of, say, the module</p> <p>14 on handling passengers, relative to the other modules on</p> <p>15 driving skills, route training, et cetera.</p> <p>16 CHAIRMAN: Thank you.</p> <p>17 This working group, it is anticipated, would report</p> <p>18 by the end of June; am I correct?</p> <p>19 MS MABLE CHAN: Yes, you are correct, Chairman.</p> <p>20 CHAIRMAN: Is it intended that the guidelines be issued at</p> <p>21 that stage?</p> <p>22 MS MABLE CHAN: We are trying very hard to formulate the</p> <p>23 guidelines as early as possible. The pledge of the</p> <p>24 working group currently is to complete the report by the</p> <p>25 end of June. We will consider as to whether a draft of</p>

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<p>1 the guidelines can be included as part of the report.  2 But I think the detailed guidelines may take a little  3 bit of time.  4 Thank you, Chairman.  5 CHAIRMAN: Thank you.  6 Yes, Mr Duncan.  7 MR DUNCAN: I just noticed that particular paragraph,  8 Ms Chan, doesn't actually mention the problem that I've  9 raised with you. It doesn't specifically address the  10 question of the behaviour of passengers towards  11 captains, does it?  12 MS MABLE CHAN: The paper does not make specific mention of  13 that, but in our discussions at the two working group  14 meetings, the various modules were actually discussed,  15 and we have also sought the agreement of the bus  16 operators to work towards having a common framework,  17 comprising the modules that they are providing.  18 Thank you, Chairman.  19 MR DUNCAN: Let me try and finish this topic. With the  20 complaints having been made, as we can see, by the trade  21 unions, amongst others, and with meetings held involving  22 the Transport Department, the unions and the police, and  23 so forth, has the department itself developed any ideas  24 as to how this problem might be overcome, as opposed to  25 leaving ideas for the bus companies to pursue?</p>	<p>1 against those drivers with improper driving behaviour.'  2 Please describe the process by which those random checks  3 are reviewed. If their process is recorded in writing,  4 please provide copy samples of such documents."  5 The answer that you gave was this:  6 "The requirement for the submission of the results  7 of random checks ... has been implemented only since  8 January 2018. The [Department] reviewed the monthly  9 report submitted by the [bus] operators to ascertain  10 that the ... operators have been monitoring the driving  11 behaviour of their drivers ..."  12 What is the arrangement between the department and  13 the bus operators with regard to these random checks?  14 MS MABLE CHAN: The requirement of installing black box and  15 also the arrangement for onboard plain-clothed employees  16 of the bus companies to inspect the driving behaviour  17 and attitude of the bus captains have been required over  18 the years. I do not have the specific year at the  19 present moment, but perhaps colleagues can check and  20 supplement on that.  21 So, in order to equip and facilitate the bus  22 companies to have a better knowledge and to better  23 monitor the driving behaviour and attitude of the bus  24 drivers, the installation of black box, coupled with the  25 arrangement on onboard plain-clothed inspectors, would</p>
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<p>1 MS MABLE CHAN: The department considers this issue as  2 a very important issue to be addressed, and as  3 demonstrated by the various efforts that the Transport  4 Department is taking, we believe that equipping the  5 drivers with necessary skills and preparing them  6 psychologically to handle such kind of situations,  7 coupled with education and publicity campaign to impress  8 upon them the important message of passengers'  9 responsibility, are two-pronged measures to tackle this  10 issue.  11 Thank you.  12 MR DUNCAN: Do you have any specific ideas, apart from  13 a general approach?  14 MS MABLE CHAN: I think this is a very specific approach.  15 Thank you.  16 MR DUNCAN: Now, I want you, please, to go to your  17 supplementary submission. You will find this at TD-1,  18 page 163. May I just ask you to clarify a matter.  19 Page 163.  20 The committee raised a question with you, and it was  21 in these terms:  22 "[The Transport Department] would review the  23 results of random checks to ascertain that the [bus]  24 operators have been monitoring the driving behaviour of  25 their drivers and have taken/will take follow-up action</p>	<p>1 help them to analyse and monitor and to devise relevant  2 improvement measures to be followed through by the bus  3 companies.  4 This is a requirement set by the Transport  5 Department, and we expect the bus operators to, based on  6 this kind of observations, on an ongoing basis, and then  7 they will devise the suitable measures.  8 Since January 2018, it is the initiative of the  9 Transport Department to step up our monitoring of the  10 bus operators, to ensure that they have done this kind  11 of analysis and monitoring on a regular basis. We take  12 the initiative to do so not because of any particular  13 accident but we think that that will give us  14 information, a basis, for us to consider whether any  15 step-up monitoring can be conducted by both the bus  16 companies or at the TD level, in order to ensure that  17 there will be more informed basis to consider any  18 appropriate measures to address improper driving  19 behaviour of drivers.  20 We think that over the years, when we analyse the  21 accident data, driver behaviour is one of the key  22 contributing factors of many of the accidents, be it  23 serious or less serious. So we consider this as a step  24 forward for us to step up the monitoring on a more  25 regular basis.</p>

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<p>1 Thank you.</p> <p>2 MR DUNCAN: My question is just aimed at what is constituted</p> <p>3 by the random check. What is this random check system?</p> <p>4 MS MABLE CHAN: Based on my understanding and recollection,</p> <p>5 the bus companies are required to conduct random checks</p> <p>6 on the black box data, as well as random checks onboard</p> <p>7 the buses.</p> <p>8 MR DUNCAN: Right. Let's just keep to onboard the buses.</p> <p>9 Is this a directive from the Transport Department or</p> <p>10 what?</p> <p>11 MS MABLE CHAN: It is a requirement of the Transport</p> <p>12 Department.</p> <p>13 MR DUNCAN: In writing?</p> <p>14 MS MABLE CHAN: I can check. I can check on that and then</p> <p>15 supplement.</p> <p>16 MR DUNCAN: I am interested in the details of what random</p> <p>17 checking may be conducted by the bus companies</p> <p>18 themselves of drivers' behaviour.</p> <p>19 MS MABLE CHAN: I do not have the record at hand, but we can</p> <p>20 certainly check and try to locate whether there is</p> <p>21 anything in writing on this.</p> <p>22 MR DUNCAN: Is there any random checking of passengers'</p> <p>23 behaviour?</p> <p>24 MS MABLE CHAN: The random checking is focused on the driver</p> <p>25 behaviour.</p>	<p>1 ad hoc mysterious ride checks conducted, and the number</p> <p>2 of malpractice cases found on a monthly basis, as well</p> <p>3 as the follow-up actions taken. This return will help</p> <p>4 us to check and monitor the number of routine and ad hoc</p> <p>5 mysterious rides conducted by the various bus companies,</p> <p>6 and to monitor whether there are any malpractice cases</p> <p>7 found and the follow-up actions taken.</p> <p>8 In this sample provided in January 2018, you can see</p> <p>9 the various follow-up actions taken by the bus</p> <p>10 companies. On this return, we will look at it and then</p> <p>11 we will see whether the bus companies have regularly</p> <p>12 conducted such kinds of mysterious rides and whether the</p> <p>13 number of checks fluctuate by monthly basis, and on the</p> <p>14 other aspect, if we identify any trend in driver --</p> <p>15 inappropriate behaviour, from our independent analysis,</p> <p>16 in respect of the various bus operators, we will use</p> <p>17 this as one of the tools for us to follow up with the</p> <p>18 bus companies, to see whether they have taken</p> <p>19 appropriate actions to address the driving behaviour of</p> <p>20 bus captains.</p> <p>21 Thank you.</p> <p>22 CHAIRMAN: So just dealing with, say, black boxes, this</p> <p>23 particular form details the fact that there were 8,552</p> <p>24 checks on black box data as at the end of the month;</p> <p>25 yes?</p>
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<p>1 MR DUNCAN: Thank you.</p> <p>2 Turning away from --</p> <p>3 CHAIRMAN: Before you do so.</p> <p>4 The request made of you, the Transport Department,</p> <p>5 was to describe the process by which those random checks</p> <p>6 are reviewed, and that is a reference to the Transport</p> <p>7 Department. How are they reviewed by the Transport</p> <p>8 Department, the random checks?</p> <p>9 MS MABLE CHAN: Chairman, if I may, I will locate the form,</p> <p>10 the compliance form, and then I will refer you to that.</p> <p>11 CHAIRMAN: Thank you. Take your time.</p> <p>12 MS MABLE CHAN: May I refer you to annex 11, to paper 4, in</p> <p>13 TD's bundle. Perhaps counsel's team can mention the</p> <p>14 page number.</p> <p>15 CHAIRMAN: Perhaps Mr Duncan can help us as to where we find</p> <p>16 annex 11.</p> <p>17 MR DUNCAN: Page 1020.</p> <p>18 MS MABLE CHAN: Chairman, this monthly report was issued</p> <p>19 since January 2018. It comprises four aspects.</p> <p>20 CHAIRMAN: Yes.</p> <p>21 MS MABLE CHAN: The part (B), "Mysterious ride checks for</p> <p>22 monitoring of driving behaviours of bus captains", is</p> <p>23 relevant to our discussion just now. So we have</p> <p>24 stipulated in the monitoring report the number of</p> <p>25 routine mysterious ride checks conducted, number of</p>	<p>1 MS MABLE CHAN: Yes.</p> <p>2 CHAIRMAN: And that had produced speeding in 271 incidences.</p> <p>3 MS MABLE CHAN: Yes.</p> <p>4 CHAIRMAN: And that had resulted in what's described as</p> <p>5 a verbal warning, 187; a written warning, 78; and</p> <p>6 a final warning, 6.</p> <p>7 MS MABLE CHAN: Yes.</p> <p>8 CHAIRMAN: So the Transport Department reads this document,</p> <p>9 that's what's meant by "review", and presumably that</p> <p>10 would satisfy you, the entry here, that a system is in</p> <p>11 place, and that's the extent of the review?</p> <p>12 MS MABLE CHAN: This monitoring mechanism by means of</p> <p>13 a monthly report serves to provide us with basic</p> <p>14 information on how the bus companies conduct the checks,</p> <p>15 either on mysterious ride or black box data, and the</p> <p>16 follow-up actions. This serves as one of the tools for</p> <p>17 us to do the assessment on the bus company on an annual</p> <p>18 basis, coupled with our independent analysis based on</p> <p>19 the accident data in respect of the bus operators and</p> <p>20 the contributing factors, if any, say in relation to the</p> <p>21 driving behaviour of bus captains.</p> <p>22 So with all this, we will take issue with the bus</p> <p>23 companies and consider any appropriate improvement</p> <p>24 measures to be taken by the bus companies.</p> <p>25 Thank you, Chairman.</p>

Page 45	<p>1 CHAIRMAN: Yes. Thank you.</p> <p>2 MR DUNCAN: Are you able to tell us, Ms Chan, how often</p> <p>3 police have prosecuted passengers in respect of their</p> <p>4 behaviour on buses, say over the last five years?</p> <p>5 MS MABLE CHAN: I do not have the information.</p> <p>6 MR DUNCAN: Does the department not maintain that</p> <p>7 information?</p> <p>8 MS MABLE CHAN: We do not maintain such kind of information,</p> <p>9 but I am not sure whether such kind of information is</p> <p>10 presented to the Road Safety Council, because the police</p> <p>11 is one of the members, and they also chair the Road</p> <p>12 Safety Council -- the deputy director of operations</p> <p>13 chairs the Road Safety Council.</p> <p>14 MR DUNCAN: What about under the regulations made under the</p> <p>15 Public Bus Services Ordinance: how often are</p> <p>16 prosecutions instituted under the regulations?</p> <p>17 MS MABLE CHAN: We do not have the information at hand.</p> <p>18 MR DUNCAN: Mr Chairman, if I may just interrupt, the</p> <p>19 protective shield photographs are apparently not in the</p> <p>20 bundle. We don't have any of those available within the</p> <p>21 bundle.</p> <p>22 CHAIRMAN: I'm sorry, I missed the first part?</p> <p>23 MR DUNCAN: The protective shields for the drivers, there</p> <p>24 are no copies of those photographs in the bundles, as</p> <p>25 far as we are aware.</p>	Page 47	<p>1 inspection exercise conducted by the TD. Every</p> <p>2 franchised bus vehicle is inspected on a monthly basis.</p> <p>3 On top of that, it is also inspected on an annual basis.</p> <p>4 Only in those cases whereby that bus vehicle is not</p> <p>5 under an investigation of a monthly inspection at that</p> <p>6 particular moment -- I would like to phrase it again --</p> <p>7 we would conduct monthly and annual inspection of each</p> <p>8 and every bus vehicle. It is only in those cases</p> <p>9 whereby the bus vehicle is not subject to a monthly</p> <p>10 inspection --</p> <p>11 MR YK CHAN: Not recently --</p> <p>12 MS MABLE CHAN: Can I ask my colleague to supplement on that</p> <p>13 detail?</p> <p>14 CHAIRMAN: Certainly. I think the real question is why 14,</p> <p>15 why not 24, why not 214?</p> <p>16 MS MABLE CHAN: In very simple terms, the spot-check is</p> <p>17 conducted on top of the regular monthly and annual</p> <p>18 inspection, and the monthly and annual inspection is on</p> <p>19 a planned basis. The spot-check is really to exercise</p> <p>20 a more robust and unplanned random check.</p> <p>21 CHAIRMAN: But why 14? Why not some other number?</p> <p>22 MS MABLE CHAN: 14 buses per day, equivalent to 3,400 buses</p> <p>23 per year, and this is against the total fleet of 5,900</p> <p>24 bus fleet of all the bus operators. There is not a very</p> <p>25 specific or scientific basis to arrive at 14, but</p>
Page 46	<p>1 CHAIRMAN: Thank you.</p> <p>2 MS MABLE CHAN: Chairman, perhaps we can help on that.</p> <p>3 I think I have seen such photo in our file records.</p> <p>4 Perhaps we can try to locate and supply the committee.</p> <p>5 CHAIRMAN: Thank you. That would assist.</p> <p>6 MS MABLE CHAN: I will try. I cannot commit, but we will</p> <p>7 try.</p> <p>8 CHAIRMAN: I understand that. If you can find one, please</p> <p>9 give it to us so that we can understand what it is that</p> <p>10 has been installed or will be installed.</p> <p>11 MS MABLE CHAN: Because they are actually installed in the</p> <p>12 buses and when we ride on the buses, we actually see</p> <p>13 such kind of shield beside the driver.</p> <p>14 Thank you.</p> <p>15 MR DUNCAN: Now, spot-checks on vehicles. This was raised</p> <p>16 with Mr Lai yesterday, and he was asked a question by</p> <p>17 one of the committee members as to how the figure of</p> <p>18 14 per day had come about.</p> <p>19 Are you able to assist us in that respect?</p> <p>20 MS MABLE CHAN: The 14 vehicles under spot-check by the</p> <p>21 Transport Department is one of the indicators in the</p> <p>22 controlling officer's report under the Transport</p> <p>23 Department.</p> <p>24 In devising the pledge or the indicator, we have to</p> <p>25 consider it in the context of a robust vehicle</p>	Page 48	<p>1 obviously this is also derived having regarded to the</p> <p>2 resources available and also the size of the fleet and</p> <p>3 also the size of the fleet of vehicles to be inspected</p> <p>4 by TD under the monthly and annual programme in our</p> <p>5 vehicle examination centre.</p> <p>6 So far, the check results of the annual and monthly</p> <p>7 checks, as well as the spot-checks, give us</p> <p>8 a reasonable, confident basis to say that in general the</p> <p>9 construction and maintenance of the bus vehicle is under</p> <p>10 a satisfactory situation, and should there be any</p> <p>11 safety-related bus defects, those are immediately</p> <p>12 rectified and detected.</p> <p>13 Thank you, Chairman.</p> <p>14 CHAIRMAN: Thank you.</p> <p>15 Mr Duncan.</p> <p>16 MR DUNCAN: Thank you, Mr Chairman.</p> <p>17 Ms Chan, I want to turn now to a different topic, if</p> <p>18 I could. It's concerned with the department's contact</p> <p>19 with trade unions. It's clear from your evidence that</p> <p>20 there is a lot of communication between the department</p> <p>21 and the bus companies. What I'm keen to explore is the</p> <p>22 contact that you have from time to time with the trade</p> <p>23 unions.</p> <p>24 The trade unions, many of them have made submissions</p> <p>25 to the committee for these proceedings. Have you had</p>

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<p>1 the opportunity of reading some of those submissions?</p> <p>2 MS MABLE CHAN: I have read some of them.</p> <p>3 MR DUNCAN: You have read them? Thank you.</p> <p>4 Do I understand the position to be that, from time</p> <p>5 to time, trade unions will come to the department or</p> <p>6 write to the department and indicate matters of concern</p> <p>7 to them to the department?</p> <p>8 MS MABLE CHAN: I will say time and again we have received</p> <p>9 letters or requests from the trade unions expressing</p> <p>10 their issues of concern.</p> <p>11 MR DUNCAN: How does the department deal with those</p> <p>12 approaches?</p> <p>13 MS MABLE CHAN: Perhaps I will start by saying this. As</p> <p>14 an ongoing basis, should the trade unions express any</p> <p>15 issues of concern relating to the benefits and working</p> <p>16 conditions of the bus captains, we will, depending on</p> <p>17 the nature of their request, consider whether it relates</p> <p>18 to the employment or manpower policy of individual bus</p> <p>19 companies, and then we will consider referring the</p> <p>20 matter or discuss the matter with the bus company on</p> <p>21 a case-by-case basis.</p> <p>22 More frequently, relatively speaking, some of these</p> <p>23 requests relate to the working hours and the rest times</p> <p>24 of the bus drivers, because while the ordinance does not</p> <p>25 require us to stipulate specific requirements of working</p>	<p>1 were meetings where you took us to the issue of the</p> <p>2 safety of bus captains?</p> <p>3 MR DUNCAN: That's right.</p> <p>4 CHAIRMAN: Your question now is more general --</p> <p>5 MR DUNCAN: It is.</p> <p>6 CHAIRMAN: -- as to what led to the meetings being held?</p> <p>7 MR DUNCAN: Yes.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MS RACHEL KWAN: So, Mr Chairman, over the years, we met the</p> <p>10 staff unions from time to time, in response to their</p> <p>11 request. They would raise issues that concern them</p> <p>12 most, such as working hours, implementation of the</p> <p>13 working hours guideline, the working conditions, and</p> <p>14 also their practical difficulties in their driving</p> <p>15 duties, such as they encounter some on-street</p> <p>16 obstructions to their bus operation, something like</p> <p>17 that. They will raise with us some congestion black</p> <p>18 spots to us, for us to liaise with other concerned</p> <p>19 departments to resolve the problems.</p> <p>20 MR DUNCAN: So how regularly would you meet the trade unions</p> <p>21 in a meeting such as we have seen from the</p> <p>22 documentation?</p> <p>23 MS RACHEL KWAN: There is no such fixed pattern. Usually,</p> <p>24 when we have some items to raise with them, we will</p> <p>25 discuss with them, we will arrange meeting to discuss</p>
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<p>1 hours and conditions, the department over the last 10 to</p> <p>2 20 years have devised the guidelines requiring the bus</p> <p>3 companies to follow, insofar as the working hours, the</p> <p>4 driving hours and the rest and meal breaks are</p> <p>5 concerned.</p> <p>6 In that context, it has developed to the present</p> <p>7 moment that the trade unions may raise their concerns in</p> <p>8 that context to us.</p> <p>9 So the ongoing implementation of the working hours</p> <p>10 guideline actually enables the trade unions to express</p> <p>11 their suggestions or views time and again to the</p> <p>12 Transport Department, and we will take that into account</p> <p>13 and reflect upon them as an ongoing basis.</p> <p>14 Thank you.</p> <p>15 MR DUNCAN: Earlier on this morning, we saw minutes of three</p> <p>16 meetings that you had held at which trade union</p> <p>17 representatives were present. They were respectively in</p> <p>18 October 2016, March 2017 and July 2017.</p> <p>19 What prompted those meetings?</p> <p>20 MS MABLE CHAN: Perhaps I may invite my assistant</p> <p>21 commissioner, Ms Kwan, to try to respond to that</p> <p>22 question.</p> <p>23 MR DUNCAN: Thank you.</p> <p>24 MS RACHEL KWAN: Thank you, Chairman.</p> <p>25 CHAIRMAN: Before you do so, just to remind ourselves, these</p>	<p>1 with them; or, on the other hand, if they have matters</p> <p>2 that concern them most, they will ask us to arrange</p> <p>3 meeting for them.</p> <p>4 MR DUNCAN: So could you give the committee some idea as to</p> <p>5 how many times in a year you would meet with the trade</p> <p>6 unions?</p> <p>7 MS RACHEL KWAN: It's about two to three times a year.</p> <p>8 MR DUNCAN: Was it typical that persons from the police and</p> <p>9 other bodies would attend those meetings?</p> <p>10 MS RACHEL KWAN: Yes. It really depends on the agenda, on</p> <p>11 the items to be raised at the meeting. We will invite,</p> <p>12 for example, the police to attend the meeting if</p> <p>13 necessary.</p> <p>14 MR DUNCAN: I want to refer you, Ms Chan again, back to</p> <p>15 bundle TU-1, at page 80 this time.</p> <p>16 This is part of the submission from the Kowloon</p> <p>17 Motor Bus Staff Union to the committee. I assume,</p> <p>18 Ms Chan, that this is one of the documents you have been</p> <p>19 able to read?</p> <p>20 MS MABLE CHAN: Mm-hmm.</p> <p>21 MR DUNCAN: Can I bring your attention, please, to</p> <p>22 paragraph 1 of the letter.</p> <p>23 The translation is at page 80-1.</p> <p>24 Item (1), could you just read that to yourself,</p> <p>25 please.</p>

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<p>1 MS MABLE CHAN: Yes.</p> <p>2 MR DUNCAN: Have you read that?</p> <p>3 MS MABLE CHAN: Yes.</p> <p>4 MR DUNCAN: You can see some sentiments, quite strongly</p> <p>5 worded there, from the trade union, sentiments that have</p> <p>6 been communicated to the committee.</p> <p>7 What is your response to those sentiments?</p> <p>8 MS MABLE CHAN: From the English translation of that letter,</p> <p>9 it actually -- the first paragraph mentions a number of</p> <p>10 issues, like high wastage rate, low remuneration</p> <p>11 package, overlong working hours, et cetera. These are</p> <p>12 the issues that have been raised by the staff unions,</p> <p>13 both to the bus operator and also during their</p> <p>14 discussions or meetings with the Transport Department.</p> <p>15 On the high wastage rate, I think this was also</p> <p>16 mentioned in the first session yesterday, about the</p> <p>17 acute manpower shortage.</p> <p>18 The low remuneration package is also one of the</p> <p>19 areas that the government has asked the bus operators to</p> <p>20 look into that as one of the measures to attract new</p> <p>21 blood and to retain the in-service bus captains.</p> <p>22 The overlong working hours is a longstanding issue,</p> <p>23 and that is actually one of the issues that we have been</p> <p>24 looking into time and again over the years, when we</p> <p>25 formulate or revise the working hours guidelines.</p>	<p>1 relationship with the trade unions? Is it a healthy</p> <p>2 relationship? Is it a tense relationship? Just how</p> <p>3 would you describe it?</p> <p>4 MS MABLE CHAN: The Transport Department is a regulator of</p> <p>5 the franchised bus operators. Bus captains are</p> <p>6 an important asset and an important component in the</p> <p>7 operation of franchised bus operators. The Transport</p> <p>8 Department, though not being a labour department, we</p> <p>9 maintain an ongoing and close relationship with the</p> <p>10 staff unions of the bus captains under various bus</p> <p>11 operators.</p> <p>12 I would say that we maintain an ongoing relationship</p> <p>13 and we stand ready to meet with them, on their request</p> <p>14 or on our own initiative.</p> <p>15 Thank you.</p> <p>16 MR DUNCAN: I wasn't really asking whether it was ongoing or</p> <p>17 not, but is it a good relationship? Do you get on well</p> <p>18 together?</p> <p>19 MS MABLE CHAN: It is difficult to generalise, to reply to</p> <p>20 your question in very short manner. I do not want to</p> <p>21 say so. But I would say that we keep an ongoing</p> <p>22 dialogue and we maintain a cordial relationship with</p> <p>23 them, to discuss issues of mutual concern, and we take</p> <p>24 into account their views and concerns, amongst other</p> <p>25 factors, in devising our guidelines on working hours,</p>
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<p>1 The tight bus trip schedules is another issue</p> <p>2 concerning the operation, and this relates to the</p> <p>3 increasing public demand on public bus service, coupled</p> <p>4 with on-the-ground traffic congestion issues in certain</p> <p>5 areas, that will lead to the tight deployment of bus</p> <p>6 trip schedules.</p> <p>7 As far as the management, they have raised the issue</p> <p>8 about the management issue, this is more an issue</p> <p>9 between the management and the staff as far as the</p> <p>10 individual bus companies are concerned.</p> <p>11 So, in short, these areas relating to the general</p> <p>12 bus operation in Hong Kong, the manpower issue, the</p> <p>13 remuneration issue and also the working hours of bus</p> <p>14 captains, the government is aware of that and that is</p> <p>15 why we are taking various measures to discuss with the</p> <p>16 bus companies.</p> <p>17 The working hours guideline is one of the measures</p> <p>18 that we would want to improve their working conditions,</p> <p>19 by further shortening their working hours. And the</p> <p>20 remuneration package, we have also asked the bus</p> <p>21 companies to devise various means to attract new</p> <p>22 recruits and to retain the in-service bus captains as</p> <p>23 far as possible.</p> <p>24 Thank you.</p> <p>25 MR DUNCAN: How would you describe the department's</p>	<p>1 and also in asking or facilitating the bus operators to</p> <p>2 improve the rest facilities in the depots and in the bus</p> <p>3 stops to address their very basic needs during the day.</p> <p>4 MR DUNCAN: How does it compare with the relationship the</p> <p>5 department has with the bus companies?</p> <p>6 MS MABLE CHAN: It is difficult to compare. We are the</p> <p>7 regulator of the bus operators. We take a very serious</p> <p>8 attitude in regulating and monitoring the bus operators.</p> <p>9 As far as the staff unions are concerned, we consider</p> <p>10 them as important stakeholders in the process to ensure</p> <p>11 a proper and efficient service. The employees are key</p> <p>12 components of the bus operators, so we consider them as</p> <p>13 important stakeholders and that we have to maintain</p> <p>14 a close and ongoing discussion and dialogue with the</p> <p>15 staff unions.</p> <p>16 MR DUNCAN: Just before the break, could I ask you again to</p> <p>17 look, please, at the heading, the introductory words to</p> <p>18 clause (1) of that submission. That was the sentiment</p> <p>19 to which I was referring earlier.</p> <p>20 Does that sentiment come as a surprise to you?</p> <p>21 MS MABLE CHAN: I will not comment on that.</p> <p>22 CHAIRMAN: Perhaps for the purpose of the record you want to</p> <p>23 read it out, then it will be in our transcript.</p> <p>24 MR DUNCAN: Yes. It reads this:</p> <p>25 "Serious negligence of duty by officials of the</p>

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<p>1 Transport Department and their ineffective monitoring".</p> <p>2 Does it surprise you that the trade unions have made</p> <p>3 that suggestion to the committee?</p> <p>4 MS MABLE CHAN: I will not comment on that. What I can</p> <p>5 respond is that we have done our part in regulating and</p> <p>6 monitoring the bus operators, and we also take into</p> <p>7 account the views and concerns of the staff unions in</p> <p>8 devising the various measures that relate to the bus</p> <p>9 captains. We have maintained an ongoing discussion</p> <p>10 channel with the staff unions and we stand ready to meet</p> <p>11 them and hear their views, and we take seriously their</p> <p>12 views into account when we devise the various measures.</p> <p>13 MR DUNCAN: Thank you, Ms Chan. After the break, I will</p> <p>14 take you to just some of the particular matters that the</p> <p>15 trade unions have raised with the committee. I'm not</p> <p>16 going to go through them all, but some of them, and</p> <p>17 I will be anxious to find out whether they have been</p> <p>18 raised with the department and, if so, how they have</p> <p>19 been resolved. But we will do that after the break.</p> <p>20 MS MABLE CHAN: Thank you.</p> <p>21 CHAIRMAN: Yes. We will take a break for 15 minutes. Thank</p> <p>22 you.</p> <p>23 (11.38 am)</p> <p>24 (A short adjournment)</p> <p>25 (11.58 am)</p>	<p>1 subject of regulation? You are aware of that?</p> <p>2 MS MABLE CHAN: Yes.</p> <p>3 MR DUNCAN: So I'm going to ask you the same question --</p> <p>4 CHAIRMAN: Could you take us to where we find that?</p> <p>5 MR DUNCAN: Certainly. It's in the THB-2 bundle,</p> <p>6 Mr Chairman, at pages 124 and 125.</p> <p>7 CHAIRMAN: And what are we looking at there?</p> <p>8 MR DUNCAN: At 124, we are looking at section 35 of the</p> <p>9 ordinance, which is introduced by the words:</p> <p>10 "Secretary for Transport and Housing to make</p> <p>11 regulations."</p> <p>12 And the provision then within section 35 for:</p> <p>13 "The Secretary ... [to] make regulations for all or</p> <p>14 any of the following matters".</p> <p>15 If I can refer you over the page, 125, to item (j),</p> <p>16 regarding "in relation to the drivers of buses used by</p> <p>17 a grantee":</p> <p>18 "(i) the maximum number of hours during which any</p> <p>19 such driver may be permitted to drive such a bus; and</p> <p>20 (ii) the intervals to be provided by a grantee for</p> <p>21 the rest and refreshment of such drivers, in any period</p> <p>22 specified in the regulations".</p> <p>23 Are you able to tell us is there any particular</p> <p>24 reason why the working hours schedule is governed by</p> <p>25 guidelines as opposed to regulations?</p>
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<p>1 CHAIRMAN: Yes, Mr Duncan.</p> <p>2 MR DUNCAN: Thank you, Mr Chairman.</p> <p>3 Ms Chan, before we turn to some of those issues that</p> <p>4 the trade unions have raised with the committee, there</p> <p>5 are just a couple of other matters I would like to ask</p> <p>6 you about.</p> <p>7 The first arises from something you said this</p> <p>8 morning, during your evidence, pertaining to the</p> <p>9 guidelines on working times, and so forth.</p> <p>10 If I could just quote from your evidence this</p> <p>11 morning. You said:</p> <p>12 "More frequently, relatively speaking, some of these</p> <p>13 requests" -- and you are talking about requests from the</p> <p>14 trade unions -- "relate to the working hours and the</p> <p>15 rest times of the bus drivers, because while the</p> <p>16 ordinance does not require us to stipulate specific</p> <p>17 requirements of working hours and conditions, the</p> <p>18 department over the last 10 to 20 years have devised the</p> <p>19 guidelines requiring the bus companies to follow,</p> <p>20 insofar as the working hours, the driving hours and the</p> <p>21 rest and meal breaks are concerned."</p> <p>22 Now, of course it is true that the ordinance does</p> <p>23 not require those matters to be dealt with, but you are</p> <p>24 aware, are you not, of the regulation in the ordinance</p> <p>25 which specifically provides for these matters to be the</p>	<p>1 MS MABLE CHAN: As a matter of fact, the Transport</p> <p>2 Department first formulated the guidelines for</p> <p>3 compliance by the franchised bus operators on</p> <p>4 a voluntary basis back in 1993. The formal promulgation</p> <p>5 of the guidelines was in 1998. Since then, the</p> <p>6 guidelines were reviewed and as a result revised six</p> <p>7 times since 1998.</p> <p>8 The process of implementation of the guidelines and</p> <p>9 review of the guidelines is an ongoing, evolving</p> <p>10 process. So far, the formulation of the guidelines and</p> <p>11 the revision to the guidelines were arrived at through</p> <p>12 discussions with the bus operators and also through our</p> <p>13 meetings with the staff unions, taking into account the</p> <p>14 views expressed by various stakeholders.</p> <p>15 In implementation of the guidelines, we have</p> <p>16 required the bus operators to do the regular monitoring</p> <p>17 and supply us with regular information. The Transport</p> <p>18 Department has also employed independent contractor to</p> <p>19 do the independent survey and checking, to monitor the</p> <p>20 compliance.</p> <p>21 Over the years, we can observe that the compliance</p> <p>22 by the bus operators to the guideline is significantly</p> <p>23 high. We do not detect any significant deviation from</p> <p>24 the bus operators from the guidelines.</p> <p>25 So, from the operational point of view, we think</p>

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<p>1 that the existing arrangement under which the working 2 hours and the driving hours and the rest break and meal 3 break are set out in the form of guidelines works well. 4 Should there be any persistent non-compliance of the bus 5 operators, we will take necessary follow-up actions, 6 including issuing advisory letters, warning letters, to 7 make sure that any non-compliance is rectified as early 8 as possible. 9 Thank you, Chairman.</p> <p>10 MR DUNCAN: So do I take it from that that it has never even 11 occurred to the department to do this by way of 12 regulation?</p> <p>13 MS MABLE CHAN: Under the existing framework, the guidelines 14 serve as an effective tool for us to monitor the bus 15 operators in deploying the bus drivers' driving duties, 16 to meet the requirements under the guidelines, the 17 guidelines provided for requirement on rest breaks and 18 meal breaks for the bus captains. Coupled with that, we 19 will also discuss with the bus operators and require 20 them to provide necessary rest facilities. The whole 21 process is an ongoing process and needs to be 22 implemented in a pragmatic manner. 23 So we think that the guidelines at the present 24 moment serve well and we will surely take that into 25 account in assessing the bus operators' performance in</p>	<p>1 MS MABLE CHAN: Based on our experience so far, we are 2 satisfied that the guidelines are followed through and 3 there are checks and balances to ensure independent 4 checking, and should there be any non-compliance on 5 a particular occasion, we would take it up with the bus 6 operator and see what are the causes for those 7 non-compliance in a particular case, and then we will 8 take it up with the bus operator accordingly. 9 So far the mechanism to ensure compliance and 10 follow-through works effectively. 11 Thank you.</p> <p>12 CHAIRMAN: The question was: do you accept that the 13 regulations would give the department more teeth than 14 guidelines, not whether or not guidelines are working, 15 but whether or not the regulations would give the 16 armoury available to the Transport Department more 17 teeth?</p> <p>18 MS MABLE CHAN: I think this is an issue to be looked at in 19 the overall scheme of things and the legislative 20 framework. At the present moment, the monitoring of TD 21 and also the regulation of TD of the bus operators 22 actually flows from the statutory framework under the 23 PBSO and the Road Traffic Ordinance, under the 24 franchise, and also there are other commitment letters 25 and administrative requirements.</p>
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<p>1 providing a proper and efficient service.</p> <p>2 MR DUNCAN: Now, it is true, isn't it, that from time to 3 time the trade unions and the staff unions have 4 complained that the bus companies have not been 5 complying with the guidelines? That has been a source 6 of complaint from the unions and the staff members, has 7 it not?</p> <p>8 MS MABLE CHAN: We are aware that there may be individual 9 complaints on particular occasions, but we have our own 10 independent checking on the compliance of bus operators 11 according to our guideline. We have tried our very best 12 to institute independent checking mechanism, and we also 13 expect the bus operators to make sure that those 14 requirements are complied with. 15 Up to the present moment, we are reasonably 16 satisfied that the bus operators regard those guidelines 17 seriously and also fulfil the requirements as we 18 required, to comply with the relevant guidelines, in 19 formulating the bus driver duty shifts on an ongoing 20 basis. 21 Thank you.</p> <p>22 MR DUNCAN: Do you accept that if they were the subject of 23 regulation, the department would have more teeth to 24 enforce the arrangements than it does with simple 25 guidelines?</p>	<p>1 So I think, overall, in the overall scheme of 2 things, it is how the Transport Department performs our 3 monitoring and mandatory role. 4 So I will not comment at this stage as to whether 5 a particular requirement to be set out in the regulation 6 will particularly give us more teeth in that particular 7 sense, because the monitoring and regulation by TD on 8 the bus operators' operation is performed under the 9 overall scheme of things, with statutory requirements, 10 franchise provisions, and also other directives or 11 notices issued by the Commissioner for Transport.</p> <p>12 CHAIRMAN: So does it come to this: although the legislature 13 thought it was sensible to give you the power to make 14 regulations, you have not found it necessary to do so 15 because the informal system that you have works?</p> <p>16 MS MABLE CHAN: I would respond that, as I mentioned just 17 now, the existing framework or regime under which we 18 enforce the compliance of the guidelines and follow 19 through and take rectification system works to our 20 satisfaction at the present moment.</p> <p>21 CHAIRMAN: Thank you.</p> <p>22 MR DUNCAN: The other matter I want to ask you about before 23 we go to the trade unions' points is something that 24 arises from your supplemental written submission. It's 25 at TD-1 at page 163. Could you turn up that, please.</p>

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<p>1 Could I refer you to the first item on that page, 2 item 17. 3 MS MABLE CHAN: Yes. 4 MR DUNCAN: The question that was asked by the committee was 5 that "If the requisite capabilities of the 6 tachograph/black box were communicated to the [bus] 7 operators in written form, please provide copy samples 8 of such documentation. Has the [Department] revised the 9 requisite capabilities of the tachograph/black box from 10 the time that the [Transport Department] first required 11 [bus] operators to fit the device on franchised buses?" 12 So that was the matter which was posed. 13 If we look at your response: 14 "The [Department] have issued a 'Basic minimum 15 requirements for electronic recording devices (also 16 known as black box) on new buses' to the [bus] operators 17 and a copy is enclosed ..." 18 We will go to that in a moment. 19 "Based on these requirements, the vehicle examiners 20 would conduct random checks on the functionality of the 21 black boxes during bus inspections. 22 We understand that over the years with the 23 advancement of technology, the ... operators have taken 24 initiative to work with the supplier of the device to 25 widen the scope of information being kept by the black</p>	<p>1 and black boxes are able to provide all sorts of 2 information now which wasn't available in 2003. You 3 will be aware of that. 4 Has the department issued any further directives to 5 the bus companies as to the sort of information that it 6 needs to collect from these black boxes in today's 7 technology world? 8 MS MABLE CHAN: I just confirmed with my colleagues that 9 since 2003 we have not issued similar directive 10 regarding the electronic data recording device. 11 MR DUNCAN: So this is something simply left to the bus 12 companies, to keep up with technology? 13 MS MABLE CHAN: The advancement of the technology has 14 evolved over the years, and we are in the process of 15 discussing the enhancement of the black box system in 16 our working group which I mentioned this morning, which 17 we started to commence deliberation in March 2018. 18 This is one of the issues that has been included in 19 the scope of work for discussing with the bus companies 20 and bus operators. Over the past years, we have not 21 issued any similar directive on enhancement over the 22 years. But we would expect that as the technology 23 advances, the bus companies, they are also prepared to 24 consider and examine any possible means to enhance their 25 existing devices in the buses.</p>
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<p>1 box to facilitate their fleet management, which may 2 include records of route number, door bell pushing, 3 opening of the doors, GPS location, brake application, 4 et cetera." 5 Now, if I could take you, please, to annex 15. You 6 will find that at TD-5 at page 1597. 7 Do you see at that page, 1597, the letter that the 8 Transport Department sent to a number of franchisees? 9 Is that the letter requiring the use of the so-called 10 black box? 11 MS MABLE CHAN: Yes. It was at a time when the black box 12 requirement was imposed. 13 MR DUNCAN: Thank you. 14 If you turn over the page -- 15 CHAIRMAN: So that is 17 October 2003? 16 MS MABLE CHAN: Yes. 17 MR DUNCAN: Then over the page, the "Basic minimum 18 requirements for the electronic data recording device" 19 are set out. 20 Is that correct? 21 MS MABLE CHAN: Sorry, I beg your pardon? 22 MR DUNCAN: Over the page, you will see the "Basic minimum 23 requirements" set out. 24 MS MABLE CHAN: Yes. 25 MR DUNCAN: Since 2003, of course, technology has moved on</p>	<p>1 CHAIRMAN: So the answer is yes, it's been left to the bus 2 companies in the intervening 14 years? 3 MS MABLE CHAN: In the intervening 14 years, as my 4 colleagues mentioned yesterday, there is ongoing contact 5 with the bus manufacturers and the bus companies, and 6 they keep in view any new technological data and 7 advancement in the various devices. 8 We have not issued any particular additional note to 9 supplement on this directive, but that doesn't mean that 10 we did not look into that. 11 Thank you. 12 MR DUNCAN: Now I want to go, please, to some of the matters 13 that -- 14 CHAIRMAN: Before you do that, if you are moving away from 15 black boxes? 16 MR DUNCAN: Yes. 17 CHAIRMAN: Perhaps you could help the committee with this. 18 Is the Transport Department aware of the devices that 19 are now in use, the black box devices, in the various 20 franchised bus companies? 21 MS MABLE CHAN: I beg your pardon? Is it are we aware of 22 any -- 23 CHAIRMAN: Are you aware of the capability of the devices 24 now being used, that are called black boxes, by the 25 various companies?</p>

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<p>1 MS MABLE CHAN: Perhaps I will invite Mr Chan, our expert, 2 to --</p> <p>3 MR YK CHAN: Thank you, Chairman. 4 I think I will just roughly go over the various 5 functions of the black box that various companies are 6 now adopting.</p> <p>7 CHAIRMAN: Can you answer the company directly, "yes" or 8 "no" to start with, and then by all means give us your 9 explanation. Are you aware of the capabilities of the 10 devices described as black boxes, as a general sort of 11 term, used by the various bus companies?</p> <p>12 MR YK CHAN: Yes.</p> <p>13 CHAIRMAN: So the answer is yes?</p> <p>14 MR YK CHAN: Yes.</p> <p>15 CHAIRMAN: Thank you. 16 Please explain.</p> <p>17 MR YK CHAN: A black box -- I think basically the first 18 thing is the device is capable of sort of monitoring the 19 movement of the vehicle by each time interval, by a 20 certain time interval, perhaps second by second.</p> <p>21 CHAIRMAN: That was the 2003 requirement.</p> <p>22 MR YK CHAN: It's the 2003 requirement.</p> <p>23 CHAIRMAN: Yes.</p> <p>24 MR YK CHAN: And really, in the old days, it's sort of 25 analogue type of black box, tachographs, but nowadays</p>	<p>1 behaviour of drivers day in and day out. 2 So you can say fleet management is not new either, 3 because actually it has been deployed by various 4 transport companies for a long, long time, and this 5 information, for our bus companies in Hong Kong, as 6 I said, as the commissioner said, we have not just left 7 it to the bus companies to look into what they want to 8 do.</p> <p>9 Over the years, as I mentioned yesterday either, we 10 have been sort of looking around, new technologies and 11 new applications or utilising technologies that are 12 available. Now, black box, although it is producing 13 very basic information, but we actually over the years 14 have been communicating -- talking to bus companies, 15 asking them to study and investigate the feasibility of 16 applying this sort of technologies and the information 17 produced by the black box to better manage their bus 18 operation and drivers.</p> <p>19 I think they have been doing that, and I understand 20 also from a couple of companies, bus companies, recently 21 they are actually upgrading their software and systems 22 to better utilise the black box information.</p> <p>23 CHAIRMAN: These requests that were made of the various bus 24 companies, that they investigate the improved technology 25 and consider using them, were these made in writing?</p>
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<p>1 it's become electronic, so there are developments that 2 you can utilise this basic information in various ways. 3 I understand from the bus companies nowadays, they 4 actually -- apart from recording, the braking, the 5 speed, the opening of doors, the sounding of bells are 6 all recorded in that gadget -- we call it black box 7 nowadays -- and actually the bus companies are utilising 8 this information as a driver monitoring or fleet 9 management tool, to conduct their day-to-day monitoring. 10 That is the basic function of it. Of course, with 11 the development of other type of technologies, like GPS 12 or other --</p> <p>13 CHAIRMAN: That's hardly a new technology, is it?</p> <p>14 MR YK CHAN: I think the technology itself is not new.</p> <p>15 CHAIRMAN: American mothers were buying their sons in the 16 military in the Gulf War in 1990 Magellan GPS machines 17 so they could find their way across the desert.</p> <p>18 MR YK CHAN: Yes, the technology itself may not be new, the 19 basic information it produces may not be new, but with 20 the advance of technologies and the development of 21 various uses of the information, in the context of fleet 22 management, the bus companies are actually utilising 23 this sort of information, as I said, as a tool to 24 monitor the operation of the vehicles day in and day 25 out, and also they can also monitor the driving</p>	<p>1 MR YK CHAN: I cannot answer this question right now. I can 2 go back and check. But certainly we have various 3 meetings and also discussion and even when -- our staff 4 all go over to the depots to see the management over 5 maintenance or construction and maintenance of vehicles, 6 we do raise out this sort of discussions. 7 But whether these questions or requests have been 8 recorded down formally, then we will have to check 9 again.</p> <p>10 CHAIRMAN: Whether it's formal or not, were there any 11 minutes taken of meetings, were there any letters 12 evidencing what you say was communication over the 13 years? If you are able to find them, would you be kind 14 enough to first of all locate them and give us sample 15 copies?</p> <p>16 MR YK CHAN: Sure.</p> <p>17 MS MABLE CHAN: We will try to do our hard work again.</p> <p>18 CHAIRMAN: Thank you.</p> <p>19 MR DUNCAN: Can I take you, please, to bundle TU-1 at 20 page 185. 21 I think I have to introduce this page by asking you 22 to go back to page 147. We don't have a translation of 23 this but it's a very small portion I'm going to ask the 24 committee to consider. The start of the document is at 25 page 147. Do you have that?</p>

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<p>1 MS MABLE CHAN: Yes.</p> <p>2 MR DUNCAN: Thank you. If you go back two pages to 145, you</p> <p>3 will see the covering letter. This is a written</p> <p>4 submission to the committee by the Federation of Bus</p> <p>5 Industry Trade Unions.</p> <p>6 If you could go through then, please, to page 185 of</p> <p>7 the document, and if I could bring your attention,</p> <p>8 please, to the last paragraph which starts on page 185.</p> <p>9 The translation that I have suggests that the</p> <p>10 content of this paragraph is as follows:</p> <p>11 "In order to receive a bonus payment, the bus</p> <p>12 captains must pass the assessment. The bus operators</p> <p>13 use the attendance rate as an important criteria in</p> <p>14 determining whether to grant a bonus. Bus captains</p> <p>15 would continue driving even when they are sick."</p> <p>16 Do you see that in that portion that I have brought</p> <p>17 to your attention?</p> <p>18 MS MABLE CHAN: I have yet to locate the specific statement</p> <p>19 in the Chinese.</p> <p>20 CHAIRMAN: Take your time.</p> <p>21 MS MABLE CHAN: I can locate the paragraph, although the</p> <p>22 order of the expression of the views may not totally --</p> <p>23 CHAIRMAN: Perhaps you can give us your interpretation, if</p> <p>24 you are able to. If not, say so.</p> <p>25 MR DUNCAN: As it's been put to me -- you can agree with</p>	<p>1 that the company will renew their contract, may attend</p> <p>2 while they are sick or have illness.</p> <p>3 You consider this attendance as a factor in</p> <p>4 considering the renewal of the contract is unreasonable,</p> <p>5 then it's the second part of this paragraph mentioning</p> <p>6 that the bus company in recent years introduced</p> <p>7 a year-end bonus for new recruits, and the bus company</p> <p>8 has introduced an assessment mechanism for awarding of</p> <p>9 such bonus, and the bus company will also consider this</p> <p>10 attendance rate as one of the indicators in the</p> <p>11 assessment.</p> <p>12 So there are two parts of the statement.</p> <p>13 MR DUNCAN: Right. Let's not quibble with what is in there.</p> <p>14 Let me ask you this, though. Is this a matter that the</p> <p>15 trade unions have brought to the department's attention?</p> <p>16 MS MABLE CHAN: As I have said, because I have seen this</p> <p>17 submission, and this is also one of the issues recently</p> <p>18 raised by the staff unions in various occasions, so I am</p> <p>19 aware of that.</p> <p>20 MR DUNCAN: Yes.</p> <p>21 MS MABLE CHAN: But as to whether they have formally raised</p> <p>22 this in their submission or letter to the Transport</p> <p>23 Department, I will have to check on that.</p> <p>24 CHAIRMAN: But it's been brought to the Transport</p> <p>25 Department's attention?</p>
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<p>1 this or you can comment on it -- I will put to you --</p> <p>2 MS MABLE CHAN: Can you put your English translation --</p> <p>3 MR DUNCAN: I will read it to you again, yes.</p> <p>4 MS MABLE CHAN: -- again so I can hear --</p> <p>5 MR DUNCAN: So you can understand it and see whether that's</p> <p>6 reflective of what you have read:</p> <p>7 "In order to receive a bonus payment, the bus</p> <p>8 captains must pass the assessment. The bus operators</p> <p>9 use their attendance rate as an important criteria in</p> <p>10 determining whether to grant a bonus."</p> <p>11 So the bus companies (sic) have to continue have to</p> <p>12 continue driving in order to keep their attendance rate</p> <p>13 up, in order to get the bonus, so they will drive even</p> <p>14 when they should be on sick leave?</p> <p>15 CHAIRMAN: That's bus captains do that?</p> <p>16 MR DUNCAN: Bus captains, yes.</p> <p>17 You need to read 185 and on to 186.</p> <p>18 MS MABLE CHAN: Perhaps I can try to help.</p> <p>19 MR DUNCAN: Thank you.</p> <p>20 MS MABLE CHAN: Because the paragraph starts to mention</p> <p>21 about the new recruit employed on contract basis and the</p> <p>22 bus company takes into account their attendance</p> <p>23 performance, their attendance rate, as one of the</p> <p>24 factors in considering whether to renew the contract.</p> <p>25 And such contract staff very often, in order to hope</p>	<p>1 MS MABLE CHAN: I will have to check on that because I am</p> <p>2 aware of that and my colleagues are also aware of that,</p> <p>3 because this concern has been raised by the staff</p> <p>4 unions, particularly following the Tai Po accident, but</p> <p>5 I would have to check on that and then revert to the</p> <p>6 committee with our written response.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 MR DUNCAN: Please do so. What I'm interested in is, first</p> <p>9 of all, whether it's been communicated to the department</p> <p>10 and then, secondly, if so, what steps have been taken by</p> <p>11 the department to look into this matter. Could you</p> <p>12 cover that in your written response, please?</p> <p>13 MS MABLE CHAN: Yes, because we are aware of these kinds of</p> <p>14 concerns through the various occasions the media has</p> <p>15 widely reported and following the Tai Po incident. But</p> <p>16 I'm not sure whether this has been formally communicated</p> <p>17 to the Transport Department. This relates to the recent</p> <p>18 introduction by the bus company on the year-end bonus</p> <p>19 and also on their indicators to assess newly recruited</p> <p>20 staff on contract basis.</p> <p>21 So it relates to the terms of the employment and the</p> <p>22 recruitment of a bus company.</p> <p>23 CHAIRMAN: If you are aware of it, I think the broader</p> <p>24 question is what have you done about it, if anything, so</p> <p>25 far?</p>

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<p>1 MS MABLE CHAN: I was aware of it in very recent months, 2 following the Tai Po incident, as widely reported, but 3 I will revert with further information as to the 4 department as a whole is aware of this concern and 5 through formal channels. 6 Thank you. 7 MR DUNCAN: Another matter raised by the trade unions can be 8 found at page 311 of the same bundle. 9 This, you will see, at page 310, is a document 10 received from the Federation of Hong Kong &amp; Kowloon 11 Labour Unions. Do you see that? 12 MS MABLE CHAN: Yes. 13 MR DUNCAN: I'm referring you, please, to the paragraph 14 which is the last paragraph to commence on page 311. 15 For the purposes of the hearing this morning, I've had 16 a translation of that particular paragraph prepared, and 17 I'm going to make it available now. (Handed). 18 CHAIRMAN: Do we have a copy for the stenographer? 19 (Handed). 20 MR DUNCAN: Could you take the time to read through that, 21 please. 22 MS MABLE CHAN: Yes. 23 MR DUNCAN: In this particular part of the submission, the 24 union has raised a matter pertaining to the advertising 25 revenue of the franchised bus operators. Do you see</p>	<p>1 MR DUNCAN: Can I then refer you back to another matter, 2 this time at page 71. 3 MS MABLE CHAN: Sorry, Chairman, apart from giving the 4 answer that we are not aware, can I comment on that? 5 CHAIRMAN: Of course you can, yes. 6 MS MABLE CHAN: Based on the submission, and the issue they 7 raise about the companies' definition of the non-fare 8 revenue, may I say for the record that the bus companies 9 are expected to prepare their annual accounts and budget 10 according to the international accounting standards, and 11 they are subject to the internal audit of the 12 department. Should they suggest any fare increase 13 proposal, those will be scrutinised by the department 14 and also the Financial Monitoring Unit of the Transport 15 and Housing Bureau. 16 In considering the justification and basis for any 17 fare increase, we will take into account the financial 18 position of the company, projections of the cost and 19 revenue; the non-fare revenue and fare revenue will both 20 be taken into account. 21 Thank you. 22 MR DUNCAN: I now wish to refer you to page 67 of the same 23 bundle, please. 24 This is an email which encloses a submission to the 25 committee from the Monthly-rated Drivers Union.</p>
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<p>1 that? 2 MS MABLE CHAN: (Nodded head). 3 MR DUNCAN: There's a request of the government to review 4 the regulation with regard to the non-fare revenue of 5 the bus company. 6 Is this a matter which the unions have raised with 7 the Transport Department? 8 MS MABLE CHAN: Not that I'm aware, no. 9 MR DUNCAN: So this is the first that you've come to know of 10 this issue? 11 MS MABLE CHAN: Yes. 12 MR DUNCAN: The submission to the committee? 13 MS MABLE CHAN: Yes. 14 CHAIRMAN: Could you just read out the part that you say is 15 the request for a review. 16 MR DUNCAN: It's the last sentence of the first paragraph: 17 "The Federation of Hong Kong &amp; Kowloon Labour Unions 18 demands the government to review the regulation on the 19 non-fare revenue in the franchised bus ['policy', 20 I think it must be] to avoid the repetition of the 21 aforementioned vicious cycle." 22 CHAIRMAN: Thank you. 23 MR DUNCAN: I guessed correctly, "policy". 24 CHAIRMAN: So you are not aware of this request, Ms Chan? 25 MS MABLE CHAN: No.</p>	<p>1 Could I bring your attention, please, to page 72 of 2 the translation. You may wish to read the Chinese at 3 page 68. Would you read to yourself, please, 4 paragraph 3, headed, "Training of bus captains". 5 MS MABLE CHAN: Yes, I have read that. 6 MR DUNCAN: This concerns the matter of training. 7 MS MABLE CHAN: Mm-hmm. 8 MR DUNCAN: Have trade unions from time to time raised these 9 sorts of issues with the department? 10 CHAIRMAN: Could you be more specific, when you say "these 11 sorts"?. 12 MR DUNCAN: The particular complaints that are set out in 13 this paragraph, has the department been apprised of 14 these particular matters? 15 CHAIRMAN: For my benefit at least, can you identify what 16 you regard as the significant points? 17 MR DUNCAN: Certainly, Mr Chairman. 18 If I could quote from the translation, at the bottom 19 of page 72, it's alleged as follows: 20 "At present, each training course consists of one or 21 two trainees and an instructor, who will get along with 22 one another for 17 days. Besides teaching proper 23 driving skills and manners, the instructor will also 24 observe the character of the trainees. However, the 25 company neglects relevant comments under the existing</p>

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<p>1 system. In fact, there is an abundant supply of 2 trainees in the KMB bus captain training school. 3 Nevertheless, only a few stay after a year. High work 4 pressure ... and the discrepancy between the claimed 5 salary in recruitment advertisements and actual 6 income ... are reasons for wastage." 7 Have those sorts of allegations been brought to the 8 attention of the department in the past? 9 CHAIRMAN: I'm sorry? 10 MR DUNCAN: My question is: have those sorts of complaints 11 been brought to the attention of the department in the 12 past? 13 MS MABLE CHAN: I have read the Chinese version as well as 14 the English version. 15 MR DUNCAN: Yes. 16 MS MABLE CHAN: The first part of the paragraph describes 17 a particular case in which a new recruit candidate goes 18 through the training process and also the driver licence 19 examination, and it happens that after one week of 20 service there is an accident happened and the bus 21 company organised training course for this captain. 22 The Chinese says the company, under the existing 23 system, they did not take into account relevant opinion. 24 So this is not sure how they said that the company does 25 not take into account the relevant opinion, because at</p>	<p>1 demister on the windscreen, because they find in spring 2 time the foggy situation is serious. After that, we 3 have followed up with their employers to see what 4 solution could be made. This is the only item that 5 relates to safety matters that I can remember. 6 MR DUNCAN: Have the unions from time to time raised matters 7 pertaining to reflective mirrors and demisting devices, 8 those sorts of things? 9 CHAIRMAN: I think that's what you just said that they have 10 raised, some years ago; is that right? 11 MS RACHEL KWAN: Maybe two or three years ago, yes. 12 MR DUNCAN: What about display monitors and warning devices, 13 sensors, to facilitate reversing? Have they been raised 14 with you by trade unions at all? 15 MS RACHEL KWAN: I'm sorry, I'm not aware of that. 16 MR DUNCAN: Are trade unions represented at all on the 17 working group which is looking at the new technology 18 that might be available? 19 MS MABLE CHAN: No. The working group, the focus of the 20 working group is to look at the bus safety enhancement 21 device and also the training framework. We discussed 22 with the bus companies and the bus manufacturers. In 23 providing their views, insofar as the bus companies are 24 concerned, we will expect the bus companies to take into 25 account the company's circumstances and their other</p>
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<p>1 the outset it described the training course provided by 2 the bus captain. 3 But the latter part of this paragraph actually 4 mentioned about for those new recruits who continue to 5 work for the first year, they may have to pay some 6 training fees for the company. So, in this particular 7 form, we have not received such kind of complaint, as to 8 the specific occasion and also the specific arrangement 9 of the training for individual companies, no. 10 Thank you. 11 MR DUNCAN: You haven't received those sorts of complaints? 12 MS MABLE CHAN: No. 13 MR DUNCAN: Moving to another topic: have trade unions or 14 staff associations from time to time made comments to 15 you about safety technology and safety provisions that 16 might be introduced on buses? Have they themselves made 17 suggestions? 18 MS MABLE CHAN: I will have to ask my colleagues to check 19 from their memory. 20 Maybe I will ask Rachel to help out. 21 MR DUNCAN: Yes. 22 MS RACHEL KWAN: When we met the staff union in the past, 23 say, two years, they seldom raised question or 24 suggestions about safety device. 25 I remember once upon a time they raised about</p>	<p>1 stakeholders' views as necessary to provide the feedback 2 to us. 3 As colleagues have just recalled and mentioned, our 4 ongoing discussion with the trade unions arises from our 5 ongoing process in developing the working hours 6 guidelines, so in that context, it is more often that 7 they raise the working hours and the conditions and 8 their concern about remuneration and take-home pay. It 9 is not common for them to raise specific issues 10 regarding their remuneration arrangement and the 11 contractual terms which falls into the purview of the 12 individual bus companies and their employees. 13 The bus operators are expected to fulfil the 14 statutory requirements under the Employment Ordinance, 15 to devise their employment terms for the recruitment of 16 the bus captains. 17 Thank you. 18 CHAIRMAN: Is there any reason why the trade unions were not 19 involved in the working group, if one of the things you 20 are considering is training? 21 MS MABLE CHAN: Thank you, Chairman. 22 The working group started its scope of work to look 23 at the bus enhancement device, and also see whether 24 there are any ways to improve the monitoring and 25 formalisation of the training framework.</p>

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<p>1 The working group is not tasked to look into</p> <p>2 imposing new training requirements as such or modules on</p> <p>3 the bus companies. What we are trying to do is to get</p> <p>4 hold of the existing training arrangements and then to</p> <p>5 formalise it and align it.</p> <p>6 Thank you.</p> <p>7 CHAIRMAN: One of the technological devices being considered</p> <p>8 was a speed display unit in the bus, like the PLBs, as</p> <p>9 I understand it. Do I understand it correctly?</p> <p>10 MS MABLE CHAN: Yes.</p> <p>11 CHAIRMAN: Isn't that a matter that would be something that</p> <p>12 bus drivers themselves might contribute to?</p> <p>13 MS MABLE CHAN: The speed display unit, the feasibility of</p> <p>14 such kind of device or the speed display unit in the bus</p> <p>15 is one of the topics being considered in the working</p> <p>16 group. But we are also aware of the bus companies'</p> <p>17 feedback that perhaps it may impose burden and pressure</p> <p>18 on the bus drivers, with passengers on board monitoring</p> <p>19 the driving behaviour of the bus captains.</p> <p>20 Should there be any particular new proposal that may</p> <p>21 have implication on the staff, Transport Department is</p> <p>22 more than happy to involve the staff unions to explore</p> <p>23 feasibility of new measures.</p> <p>24 Thank you.</p> <p>25 CHAIRMAN: Rather than having the bus operators tell you</p>	<p>1 MS MABLE CHAN: At the present moment the working group does</p> <p>2 not comprise representatives from the trade unions. The</p> <p>3 working group is tasked to look into possible ideas, in</p> <p>4 order to formulate proposals. As with our usual</p> <p>5 practice, when there are more systematic thoughts and</p> <p>6 proposals, we can discuss with the other stakeholders,</p> <p>7 including the trade unions, and we are ready to do so.</p> <p>8 MR DUNCAN: I take it that the answer to my question is no,</p> <p>9 you haven't considered that?</p> <p>10 MS MABLE CHAN: I have considered that, because at the</p> <p>11 present moment the working group has just discussed the</p> <p>12 initial thoughts on the devices and the training</p> <p>13 framework, and the training actually involves the bus</p> <p>14 captains. So, after the working group has come up with</p> <p>15 more concrete proposals, with our ongoing dialogue and</p> <p>16 discussion with the trade unions, we are ready to share</p> <p>17 with them, and I have this in my mind.</p> <p>18 Thank you.</p> <p>19 CHAIRMAN: So it has been determined, for current purposes,</p> <p>20 not to involve the trade unions at this stage?</p> <p>21 MS MABLE CHAN: Yes, at this initial formulation stage.</p> <p>22 Thank you.</p> <p>23 MR DUNCAN: Have you communicated that intention to the</p> <p>24 trade unions?</p> <p>25 MS MABLE CHAN: No, because the working group was initiated</p>
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<p>1 what they think the bus captains might react to in terms</p> <p>2 of having a speed display unit, is there any reason why</p> <p>3 the bus drivers themselves were not asked or their trade</p> <p>4 unions?</p> <p>5 MS MABLE CHAN: We are prepared to meet with them and</p> <p>6 discuss with them.</p> <p>7 Thank you, Chairman.</p> <p>8 CHAIRMAN: Mr Duncan.</p> <p>9 MR DUNCAN: Which are the stakeholders then which are</p> <p>10 represented in this working group?</p> <p>11 MS MABLE CHAN: The working group comprises of the bus</p> <p>12 operators and the bus manufacturers, and it also</p> <p>13 comprises the Vehicle Licensing Examination Unit, the</p> <p>14 electrical and mechanical engineers involved overseeing</p> <p>15 the technology side, and also the Road Safety and</p> <p>16 Standards Unit within the Transport Department,</p> <p>17 overseeing the territory-wide road safety matters.</p> <p>18 CHAIRMAN: So the group is constituted by the Transport</p> <p>19 Department on one side, bus operators on the other side,</p> <p>20 and for technical purposes bus manufacturers are brought</p> <p>21 in; do I understand it correctly?</p> <p>22 MS MABLE CHAN: Yes.</p> <p>23 MR DUNCAN: Has the department given any consideration at</p> <p>24 all to involving trade union representatives in that</p> <p>25 working group?</p>	<p>1 by us in order to take stock of various suggestions,</p> <p>2 requests, and various ideas initiated by the department.</p> <p>3 We want to scope the work and the task involved with</p> <p>4 a view to formulating more concrete proposals. It will</p> <p>5 be by then that we have a more clearer and more</p> <p>6 systematic framework in order to consult various</p> <p>7 stakeholders.</p> <p>8 Thank you.</p> <p>9 MR DUNCAN: Now could I take you, please, to one other</p> <p>10 matter raised by the unions. This you will find at</p> <p>11 TU-1, page 174. Sorry, this is a matter which has not</p> <p>12 been translated.</p> <p>13 CHAIRMAN: Is this the document that begins at page 147?</p> <p>14 MR DUNCAN: Indeed it is, Mr Chairman, yes.</p> <p>15 CHAIRMAN: And it's the submission of the Federation of Bus</p> <p>16 Industry Trade Unions?</p> <p>17 MR DUNCAN: Yes, with a cover letter at age 145. I've</p> <p>18 referred to this document before. I'm going back to the</p> <p>19 same document.</p> <p>20 Can I bring to your attention, please, the bottom</p> <p>21 part of page 174, that paragraph. Could you read that</p> <p>22 to yourself.</p> <p>23 MS MABLE CHAN: I beg your pardon, is it at the bottom of</p> <p>24 the page, the second paragraph?</p> <p>25 MR DUNCAN: Correct, the second paragraph on page 174, yes</p>

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<p>1 CHAIRMAN: With the words "Alexander Dennis Enviro"?</p> <p>2 MR DUNCAN: That's correct.</p> <p>3 MS MABLE CHAN: We have read that paragraph. Thank you.</p> <p>4 MR DUNCAN: Is that paragraph bringing to the attention of</p> <p>5 the committee the danger in trying to control buses that</p> <p>6 have rear-wheel steering functions, and also problems</p> <p>7 involved in 12.7-metre buses?</p> <p>8 MR YK CHAN: Yes. If I may go into -- try to answer this</p> <p>9 question. I believe the question is about that recently</p> <p>10 there has been introduced 12.8-metre buses, with the</p> <p>11 turning circle may be -- well, some of the drivers find</p> <p>12 it is difficult to handle for them.</p> <p>13 First of all, any buses introduced in Hong Kong will</p> <p>14 have to comply with all the construction and maintenance</p> <p>15 regulations, and also all those buses imported into</p> <p>16 Hong Kong, nowadays they -- I think over 99 per cent</p> <p>17 actually come from Europe, and they have to comply with</p> <p>18 all the European standards.</p> <p>19 The question is whether these buses are sort of</p> <p>20 applicable in Hong Kong. This is the main question.</p> <p>21 So, in our system, any new buses introduced into</p> <p>22 Hong Kong, the first thing we do, it has to go through</p> <p>23 a type of approval procedure. Those procedures, apart</p> <p>24 from looking at the technical part, technical aspects of</p> <p>25 the vehicles, and also the vehicle, we also look into</p>	<p>1 12.8 metres. Some of them may be restricted to</p> <p>2 12 metres and some even to shorter buses, like those</p> <p>3 going up to The Peak.</p> <p>4 So this is a matter of training and also deployment</p> <p>5 of the routes in the right place, and there is no</p> <p>6 question of these buses are dangerous.</p> <p>7 That's my reply.</p> <p>8 CHAIRMAN: Earlier on you said that they are 99 per cent</p> <p>9 from Europe and they comply with European standards?</p> <p>10 MR YK CHAN: Yes.</p> <p>11 MR DUNCAN: Has this been a matter which the trade unions</p> <p>12 have raised with the department?</p> <p>13 MS MABLE CHAN: Yes. We are aware of that and we have</p> <p>14 looked into that.</p> <p>15 MR YK CHAN: Yes, actually this has been raised by the union</p> <p>16 to the department, and that's why my division actually</p> <p>17 studied in detail on the turning circles and turning</p> <p>18 path, to see what the problem was.</p> <p>19 We have actually mentioned that this is something</p> <p>20 that the bus companies should look into, because the</p> <p>21 complaint from the drivers is that they feel it is not</p> <p>22 comfortable to drive a new vehicle with that length.</p> <p>23 That's why we impress upon the bus company to do their</p> <p>24 job in driver training, and also on our part, when we</p> <p>25 improve these buses, we deploy them on a suitable route.</p>
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<p>1 whether these vehicles are suitable to be used on roads</p> <p>2 in Hong Kong.</p> <p>3 Having assessed those technical requirements, those</p> <p>4 buses, as we see, they are technically sound and</p> <p>5 feasible to be used in Hong Kong. On that, we notice</p> <p>6 actually some of the drivers feel that because the bus</p> <p>7 is longer than the existing -- most of the buses we use</p> <p>8 are 12 metres, and this one is 12.8 metres, so in the</p> <p>9 sort of turning handling, there is a slight deviation,</p> <p>10 slightly -- they have to sort of, I would say, get</p> <p>11 accustomed to the handling of those vehicles.</p> <p>12 In this respect, we have actually asked -- we have</p> <p>13 done a few things. One, the bus company will have to</p> <p>14 sort of train their drivers to be accustomed to handle</p> <p>15 this vehicle. So there's no question of the bus is</p> <p>16 dangerous, if the buses can be handled properly.</p> <p>17 The second thing is, if this bus is longer than most</p> <p>18 of the buses we use in Hong Kong, so in deploying these</p> <p>19 buses we have to actually look into the routes they are</p> <p>20 actually deployed, and it is -- at the moment when we</p> <p>21 deploy these 12.8-metre buses, they are route-specific.</p> <p>22 So we have to try those routes first and see if they are</p> <p>23 safe to be operated before we allow the bus companies to</p> <p>24 deploy them.</p> <p>25 Not all buses used by the bus companies are</p>	<p>1 CHAIRMAN: Perhaps one last question from the chair before</p> <p>2 we have our lunch break.</p> <p>3 Presumably there is some advantage to having</p> <p>4 a longer bus. Does it give greater passenger capacity?</p> <p>5 Is that the reason?</p> <p>6 MR YK CHAN: Strictly speaking, if it's a longer bus, they</p> <p>7 provide more seats. But for this particular model,</p> <p>8 I would expect that this model does have the advantage</p> <p>9 to be deployed in Hong Kong. Apart from sort of a few</p> <p>10 seats, there may be other advantages in the</p> <p>11 manoeuvrability and the new technology deployed.</p> <p>12 CHAIRMAN: You can tell us about the advantages after lunch.</p> <p>13 MS MABLE CHAN: Perhaps I can add one point?</p> <p>14 CHAIRMAN: Yes.</p> <p>15 MS MABLE CHAN: The bus companies have pledged to enhance</p> <p>16 the accessibility facilities, like wheelchair</p> <p>17 passengers. So the greater room for manoeuvrability</p> <p>18 within a bus vehicle will enable them to improve in this</p> <p>19 aspect. This is also one of the indicators we look into</p> <p>20 in assessing the performance of the bus operator.</p> <p>21 Thank you.</p> <p>22 CHAIRMAN: Thank you. We will adjourn then and we will</p> <p>23 resume at 2.30 this afternoon.</p> <p>24 MS MABLE CHAN: Thank you.</p> <p>25 (1.02 pm)</p>

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<p>1 (The luncheon adjournment)</p> <p>2 (2.30 pm)</p> <p>3 CHAIRMAN: Good afternoon.</p> <p>4 Mr Duncan.</p> <p>5 MR DUNCAN: Thank you, Mr Chairman.</p> <p>6 Mr Chan, I think you were going to add some comments</p> <p>7 with regard to the advantages of these rather large</p> <p>8 buses.</p> <p>9 MS MABLE CHAN: I have nothing to add.</p> <p>10 MR DUNCAN: Sorry, Mr Chan. Is it Mr Chan?</p> <p>11 CHAIRMAN: Yes, it is. You were telling us that there were</p> <p>12 some advantages to large buses.</p> <p>13 MR YK CHAN: Yes. I think my colleagues already</p> <p>14 supplemented that longer buses will be able to make the</p> <p>15 bus have low-floor features and also accessible to</p> <p>16 wheelchairs.</p> <p>17 CHAIRMAN: Easier access, in those circumstances?</p> <p>18 MR YK CHAN: Yes.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MR DUNCAN: Mr Chan, I want to raise another question with</p> <p>21 you, which was raised with Mr Lai from the bureau</p> <p>22 yesterday, and again he was unable to assist us. This</p> <p>23 is a matter raised I think by Prof Lo during the</p> <p>24 hearing. It relates to the number of drivers who are</p> <p>25 required, given the special shift provisions in the</p>	<p>1 conditions, et cetera.</p> <p>2 In conducting the review, we have also taken into</p> <p>3 account a number of factors, including the manpower</p> <p>4 implications of the implementation of the guidelines.</p> <p>5 As I mentioned, the starting point is to improve the</p> <p>6 working conditions, in particular including the</p> <p>7 shortening of the maximum duty shift hours as well as</p> <p>8 the driving hours of the bus captains.</p> <p>9 The latest products or the latest revised guidelines</p> <p>10 have involved research into the demands for the</p> <p>11 additional bus captains, and that ranges in the order of</p> <p>12 250-something, 260, and we have included it in our</p> <p>13 bundle, paper 5, on the working conditions.</p> <p>14 In the process, we have explored the possibility of</p> <p>15 reducing the maximum duty hours of the prevailing long</p> <p>16 shifts which are in current operation by some of the bus</p> <p>17 operators. It is our understanding that some of the bus</p> <p>18 operators have arranged for longer shifts in order to</p> <p>19 cater for the morning and the peak demands of certain</p> <p>20 bus routes, especially in those bus routes which are</p> <p>21 long and may span across various districts, from the New</p> <p>22 Territories, to cross harbour, to the Island.</p> <p>23 We looked into the possibility of shortening the</p> <p>24 maximum duty hours and driving hours for these kinds of</p> <p>25 special duty shifts as well. Based on the information</p>
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<p>1 working hours.</p> <p>2 The question was whether any research had been done</p> <p>3 into the impact that there would be if that 14-hour</p> <p>4 special shift was removed, given that the current</p> <p>5 estimate of the Transport Department is that, with those</p> <p>6 new guidelines, there is going to be a need for</p> <p>7 something like 250 or so additional drivers. We were</p> <p>8 led to believe by Mr Lai that that sort of research had</p> <p>9 been done by the department, and I'm just wondering</p> <p>10 whether you are in a position to provide us with the</p> <p>11 results of that research.</p> <p>12 MS MABLE CHAN: I would be pleased to do so.</p> <p>13 We commenced a review of the working hours</p> <p>14 guidelines in September 2017. That was made on the</p> <p>15 initiative of the Transport and Housing Bureau. The</p> <p>16 starting point is to explore room for further</p> <p>17 improvement in the working conditions, in particular the</p> <p>18 working hours of bus captains.</p> <p>19 In considering room for improvement and noting there</p> <p>20 have been changes and revisions in the past, we have</p> <p>21 taken a comprehensive review of the guidelines, taking</p> <p>22 into account the operational needs of the franchised bus</p> <p>23 operators, passengers and members of the public's</p> <p>24 demands for increased bus service level, staff unions'</p> <p>25 ongoing requests and demands for improvement in working</p>	<p>1 provided by the bus operators, and having regard to</p> <p>2 those statistics that we have collected from our own</p> <p>3 surveys on the onboard bus trips as well as the driver</p> <p>4 deployment and establishment, we have conducted</p> <p>5 an analysis of the additional manpower implications</p> <p>6 should the maximum duty hours of this kind of special</p> <p>7 duty shifts be further shortened.</p> <p>8 In very high-level summary terms, the ballpark</p> <p>9 estimate of the additional manpower implications for</p> <p>10 reducing the maximum duty hours of this kind of special</p> <p>11 duty shifts will range to the level of 1,600 additional</p> <p>12 bus captains amongst all the franchised bus operators.</p> <p>13 Manpower implication is one of the factors that we</p> <p>14 have taken into account, because we are also very</p> <p>15 mindful to ensure a satisfactory level of bus service,</p> <p>16 as well as the practicality of the bus companies in</p> <p>17 recruiting additional bus captains, to ensure a timely</p> <p>18 implementation of the guideline.</p> <p>19 We very much hope, and we have actually proposed to</p> <p>20 the bus companies throughout our meetings with them, to</p> <p>21 achieve a reasonable time frame for the full</p> <p>22 implementation of the guidelines.</p> <p>23 Having regard to the manpower implications, the</p> <p>24 practicality of implementation, as well as the time</p> <p>25 frame for achieving the full implementation of the</p>

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<p>1 guidelines, we eventually consider that we will include 2 in the revised guidelines a section on this special duty 3 shift. The special duty shift maximum duty hour will be 4 maintained at 14 hours as the maximum cap, but the 5 driving hours of bus captains who are on the special 6 duty shift will be reduced to ten hours, which is on par 7 with that of the driving hours of the normal duty shift. 8 In addition, we also impose a requirement on the bus 9 companies to provide a break of no less than three hours 10 within the shift duty. This is to ensure that while the 11 bus captain may be deployed for such kind of routes 12 which are operated under special duty shift arrangement, 13 there will be enough rest break for the bus captain, and 14 the driving hours, ie the bus drivers who are on the 15 road, the maximum hours will be reduced to ten hours. 16 We provided our research and also assessment to the 17 Transport and Housing Bureau and discussed with them. 18 After the discussion, and noting the relevant 19 implications, the guidelines were finalised and 20 promulgated earlier this year, in February 2018. 21 Thank you, Chairman. 22 MR DUNCAN: Sorry, I just really want to deal with the 23 numbers, if I could. I may have misunderstood some 24 aspects of your earlier submission. So, at the risk of 25 having you to repeat some matters, could I just clarify</p>	<p>1 captains will be required for full implementation of the 2 [currently revised] guidelines." 3 We have also studied this figure and compared with 4 our own information regarding the bus captains' strength 5 and numbers in respect of the FB operators. So it is in 6 the order of a total of additional 250. 7 MR DUNCAN: Thank you. And if the special shift, which is 8 provided for in the new guidelines, was done away with, 9 how would that impact the figure of 250? 10 MS MABLE CHAN: It will be increased to a total of 1,600 11 additional bus captains. 12 MR DUNCAN: So instead of 250, read 1,600? 13 MS MABLE CHAN: 1,600, yes. More than 10 per cent of the 14 total establishment of the FB operators added together. 15 MR DUNCAN: We may be able to work this out for ourselves, 16 but given your position, can you explain very succinctly 17 why the number would increase so significantly? 18 MS MABLE CHAN: Perhaps I can invite my deputy, who will 19 have the knowledge about the shift duties and the hours 20 and deployment, in order to help the committee to 21 appreciate in simple and direct way. Thank you. 22 CHAIRMAN: Thank you. 23 MS MACELLA LEE: I will try to be simple. Because the 24 operating hours are very long and there is a peak demand 25 in the morning and the evening peak, so if we don't</p>
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<p>1 some numbers? 2 MS MABLE CHAN: Sure. 3 MR DUNCAN: Currently, how many people are engaged as bus 4 captains, across all of the franchised companies, the 5 approximate number of all bus captains? 6 CHAIRMAN: When you locate the information, perhaps you 7 could tell us and we can follow it in the written 8 submission. 9 MS MABLE CHAN: Sure. I am actually trying to refer to 10 paper 5, TD bundle, table 1. 11 The total adds up to more than 12,000. 12 CHAIRMAN: Where do we find that? Which paragraph? 13 MS MABLE CHAN: Paragraph 9. Below paragraph 9, there is 14 a table 1, showing the breakdown of the bus captains in 15 respect of the individual FB operators. 16 CHAIRMAN: Thank you. 17 MS MABLE CHAN: So the total of each of the captains 18 employed by the respective bus companies will add up to 19 some 12,000-plus. 20 MR DUNCAN: Assuming the implementation of the guidelines, 21 what is the department's estimate as to the additional 22 number of captains required? 23 MS MABLE CHAN: Let me refer to paragraph 7 of this paper: 24 "Based on the crude projections by the FB operators, 25 it is estimated that a total of 250 additional bus</p>	<p>1 allow these drivers to have longer duty hours covering 2 the two peaks, it means you have to have two drivers to 3 meet the extra demand at the peak, and these drivers 4 will have to have shorter duty hours. That means it can 5 be six hours and seven hours. This, to some extent, is 6 not efficient, in a sense. 7 Because we have to cover the demand in the morning 8 peak and the evening peak, so we don't have one person 9 doing that now, you have two people, so the headcount is 10 not just 250 plus two, because -- actually, the heads 11 are more but each one will do a shorter time, much 12 shorter duty shifts, maybe six hours, seven hours or 13 even five hours. 14 So that's why it's not 250 times two. More heads, 15 each one doing -- you may say that a normal driver 16 drives ten hours, but if we have to cancel the split 17 shift, it means that those extra -- about 13 per cent of 18 the drivers have to double, because they can't work so 19 long, and when you double the head, each one of them 20 doing not 14 hours but even shorter, like six hours. So 21 the mathematics is like that. So it's up to 1,600. 22 I hope I can clarify the situation. 23 CHAIRMAN: Thank you. 24 MEMBER LO: I wonder if I can ask a question. 25 CHAIRMAN: Please do.</p>

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<p>1 MEMBER LO: I'm just thinking about very simply how many 2 drivers were involved in special shift, multiply that by 3 two, that would be the answer; right? 4 MS MACELLA LEE: No. 5 MEMBER LO: How come it's not? 6 MS MACELLA LEE: I have to explain that. There are 12,000 7 drivers, but this is the establishment, to me the daily 8 service needs, it is about 9,000 duty shifts. You have 9 more headcounts because everybody does only six days 10 a week, you have leave, and so on. 11 I can tell you it's every day we need 9,000 duties, 12 driving duties, or you can say 9,000 duty shifts, and 13 among them about 1,200 are special duty shifts, 14 13 per cent, about 13 per cent. 15 MEMBER LO: Okay. 16 MS MACELLA LEE: So these 1,200 duties have to be times two, 17 so it's 2,400, but of course there's no need to have 18 a double in that sense, so it ranges at about 1,600. So 19 we have to look at the matter in terms of duty shifts. 20 MR DUNCAN: Is a special shift a new initiative, or was it 21 in play before the latest revised guidelines? 22 MS MABLE CHAN: The special duty shift has been operated by 23 the individual bus operators to meet the morning and 24 peak demand. In our review of the guidelines, we 25 consider it necessary, in the first place, to look at</p>	<p>1 While we are looking at ways to shorten the duty 2 hours and the driving hours, another concern that comes 3 out during the discussion is the staff side, some of the 4 staff side's anxiety about possible reduction in their 5 take-home pay they then get from the bus companies. 6 So this is the whole process that we tackle the 7 issue and it is an evolving process. Thank you. 8 CHAIRMAN: How were those concerns expressed by the staff 9 about a reduction in their take-home pay? 10 MS MABLE CHAN: They make them in written submissions and 11 also raise them with the meetings with the Transport 12 Department, because during that period from October 2017 13 to February 2018, the Transport Department have met with 14 the various staff unions and there were a series of 15 meetings held during that period. 16 CHAIRMAN: Thank you. 17 MR DUNCAN: Thank you, Ms Chan. 18 I want to move to another topic now, if I may. 19 CHAIRMAN: Before you do that, Mr Duncan -- I think 20 Mr Duncan was trying to ask you this question: when did 21 special duties come into operation with bus companies? 22 How long has this practice been in place? 23 MS MACELLA LEE: I think it exists at least 10 or 20 years 24 before. 25 CHAIRMAN: A longstanding practice?</p>
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<p>1 whether the maximum duty hours can be reduced, no matter 2 they are normal or special duty. 3 We take the opportunity of the revision of the 4 guidelines to specify in clearer terms on our 5 requirements on the maximum duty hours and the driving 6 hours. It is under this perspective that we introduce 7 the subsection of requirements in the guidelines to 8 illustrate more clearly on the special duty shift 9 arrangement, and for this kind of arrangement what is 10 our requirement on the maximum duty hours, driving hours 11 and rest break for this special duty shift. 12 MR DUNCAN: So the previous version of the guidelines made 13 no reference to the special shift? 14 MS MABLE CHAN: That's correct. 15 MR DUNCAN: It's something that evolved within the bus 16 companies? 17 MS MABLE CHAN: It is evolving. We know this as a matter of 18 fact. And more importantly, in our discussion with the 19 bus operators and in meeting the staff unions, there are 20 also views and suggestions that for those drivers who 21 have been deployed for these special duty shifts, those 22 drivers are also concerned about the remuneration or the 23 take-home pay that they can get from the bus companies, 24 in particular those working on these special duty 25 shifts.</p>	<p>1 MS MACELLA LEE: Yes, a longstanding practice? 2 CHAIRMAN: Thank you. 3 Yes, Mr Duncan. 4 MR DUNCAN: Thank you, Mr Chairman. 5 Could you turn up, please, SEC-2 at page 664. 6 Are you looking at a document which is headed, 7 "Community for Road Safety", and the heading, "Comments 8 on the scope of the Public Transport Strategy Study 9 (PTSS) for LegCo's Panel on Transport"? 10 Does this document appear to bear a date in 2015? 11 MS MABLE CHAN: Yes. 12 MR DUNCAN: Was there a public transport strategy study in 13 2015? 14 MS MABLE CHAN: Yes, there is a study conducted in 2015. 15 MR DUNCAN: Did the department participate in this study? 16 MS MABLE CHAN: Yes. It was led by the bureau and involved 17 the Transport Department's input. 18 MR DUNCAN: Right. Would this paper have come to the 19 attention of the department during the course of the 20 study? 21 MS MABLE CHAN: In the usual practice of LegCo, they include 22 this submission as the deputations to LegCo, and the 23 bureau and also the department appear before that 24 meeting of the deputations, and we note that this is one 25 of the deputations made during that occasion.</p>

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<p>1 MR DUNCAN: So this would be one of the documents that would 2 have come to the attention of the department? 3 MS MABLE CHAN: Yes. 4 MR DUNCAN: Can I bring your attention down to the second 5 subheading on page 664, "Opportunities and strategy for 6 better safety". 7 Can you read the second of the black marks there, 8 reference to the ISO standard, "Road traffic safety 9 management". If I quote from the document: 10 "... a new member of ISO launched in 2012 to target 11 at transport fleets of public transport operators and 12 the logistic industries. This would follow the steps of 13 other ISO quality assurance systems in the future to 14 help deliver far more responsible transport operation 15 from the road safety perspective." 16 Perhaps I should have read the introductory words: 17 "With the advent of new measures or practices, the 18 PTSS [that's the study] should examine all opportunities 19 afresh to improve safety and quality of service." 20 Then those examples are set out. 21 At any time before this paper was issued, before 22 2015, or during the course of the study, did the 23 department give consideration to supporting the 24 introduction of this standard? 25 MS MABLE CHAN: We are aware of the remark made by the</p>	<p>1 data and objective criteria. So we take an open-minded 2 approach. We do not rule out the possibility of 3 improving our standards of road traffic management 4 system within the TD, towards a more sophisticated world 5 standard. 6 Thank you. 7 MR DUNCAN: So, when you say you have an open mind, does 8 that mean you are not for it, nor are you against it? 9 MS MABLE CHAN: We are not against it. As I said -- 10 MR DUNCAN: Are you for it? 11 MS MABLE CHAN: We have our established road traffic safety 12 management in the department. It's always a positive 13 move for the department to take into account latest and 14 prevailing standards, in order to improve our system or 15 to adopt latest standards in improving our system. 16 So any improvement in the standards, I would say, we 17 would welcome and we would be ready to consider and look 18 into it and see how our existing system can be further 19 improved. 20 MR DUNCAN: Has the department at any time since 2012 21 considered the standard, to see whether it might improve 22 the department's own current standards? 23 MS MABLE CHAN: Since the standards were first developed and 24 promulgated in 2012, we noticed that it is quite new at 25 that stage, and mostly it's the transport and logistics</p>
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<p>1 Community for Road Safety, in particular on the 2 suggestion regarding the adoption of ISO 39001 in the 3 context of the PTSS. Actually, this Community for Road 4 Safety have also raised this in other occasions of 5 LegCo. 6 The ISO 39001 was one of the subjects flagged up in 7 yesterday's oral session as well. We note that this is 8 a road traffic safety management standard, and it was 9 finalised in 2012, after rounds of discussion. Over the 10 years since 2012, there are a number of transport 11 companies or logistics companies in certain 12 jurisdictions, including Japan, Korea, and some of the 13 European companies start adopting this kind of standard. 14 We are aware of that. 15 We take an open-minded approach towards this 16 ISO 39001. The Transport Department at the present 17 moment, we also maintain and establish our road safety 18 management system. As we explained yesterday, we keep 19 track of the accident data from a common database, we 20 analyse it, we identify common factors, and also try to 21 develop preventive or remedial actions, as part of that 22 system. 23 This ISO 39001 stipulates in a more sophisticated 24 way, an elaborative way on how a road traffic safety 25 management system can be formulated having regard to</p>	<p>1 operators who are considering the adoption of such 2 standard. 3 So, upon its promulgation in 2012, we see that it is 4 the start of a newly developed standard, at its early 5 stage. 6 This submission by the Community for Road Safety was 7 made in 2015 in the context of the PTSS, so our 8 department currently established our road traffic 9 management system and at the present moment we take 10 an open-minded approach to this standard and see whether 11 there is scope for improvement or even the adoption of 12 this standard. 13 MR DUNCAN: As I understand this document, this would be 14 a standard which would not actually be adopted by the 15 department; it would be adopted by the transport 16 company, ie the bus operator. Is that correct? 17 MS MABLE CHAN: Yes. 18 MR DUNCAN: So has the department taken any steps to refer 19 this to the bus companies for their consideration? 20 MS MABLE CHAN: We do not. We do not. This standard was 21 raised by the community for road traffic in the overall 22 study of the public transport strategy. It is very 23 comprehensive and it's fully-fledged, and there are 24 a lot of different suggestions and views made in the 25 overall scheme of things.</p>

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<p>1 So we did not at that juncture refer this particular 2 standard to discuss with the bus operator. 3 MR DUNCAN: Can I move further into the bundle at page 778. 4 Are you looking at a communication from the 5 Community for Road Safety, this time dated 16 June 2016? 6 MS MABLE CHAN: Yes. 7 MR DUNCAN: Does it appear to be a response to the public 8 consultation which was conducted leading up to the 9 question of whether KMB's franchise should be renewed in 10 2017? 11 MS MABLE CHAN: Yes. I'm aware of that. 12 MR DUNCAN: No doubt this letter and the document enclosed 13 with this would have come to the attention of the 14 department -- 15 MS MABLE CHAN: Yes. 16 MR DUNCAN: -- during that consultation exercise? 17 MS MABLE CHAN: Yes. 18 MR DUNCAN: If I could bring your attention to the letter, 19 page 778, and in particular the first and second 20 paragraphs -- the letter in total actually. Let me read 21 it: 22 "In response to the above public consultation, we 23 submitted a document to Government on 18 April 2016. 24 Our comments focus on continuous safety improvement for 25 bus operation. The contents cover a safety management</p>	<p>1 Then the recommendations, there are two: 2 "Under the new franchise requirements encourage the 3 bus companies to adopt a more advanced road safety 4 management system towards the ISO ... standard." 5 Then: 6 "Government shall collaborate with the bus companies 7 to study bus accidents and risks in details, with the 8 view of setting targets of accident reduction." 9 Now, having received this document, did the 10 department take any steps to encourage the bus companies 11 to adopt the ISO standard? 12 MS MABLE CHAN: This submission was made as part of the 13 submissions from the other stakeholders to LegCo, and 14 this was made in the context of the discussion of the 15 renewal of franchise for KMB in that year. 16 The discussion in LegCo at that juncture focused on 17 a number of issues, as reflected in our LegCo Brief 18 submitted to the IRC. I can ask my colleagues to refer 19 to that paper in a moment. 20 There are a number of issues flagged up in the LegCo 21 Brief to address the various key suggestions and issues 22 raised in the renewal of the franchised buses. This 23 recommendation made by the Community for Road Safety 24 relates to the encouragement of bus companies of a more 25 advanced road traffic safety management system and a new</p>
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<p>1 system in conjunction with a series of specific topics. 2 The document submitted by Government to LegCo's 3 Panel on Transport ... 'Administration's paper on new 4 franchise for bus network of the Kowloon Motor Bus 5 Company (1933) Ltd -- report on the public consultation 6 on the new franchise' only consists of a short paragraph 7 on safety with two simplified points, namely 'to monitor 8 bus captains' driving behaviour more closely' and 'to 9 improve safety facilities on buses'. These clearly fail 10 to reflect the much broader issues we raised. 11 Bus safety is a very important topic. For this 12 reason we consider that it is necessary to submit our 13 original document directly to LegCo's Panel on Transport 14 for reference." 15 Then you will see what I understand to be the 16 original document, which runs from page 779 through to 17 783. 18 Could I ask you to go to page 781. You will see the 19 heading on that page, "Bus safety -- road safety 20 management system", and there is reference again to the 21 ISO 39001 standard, and there is reference, if I could 22 quote it: 23 "This quality assurance system encourages fleet 24 operators to be far more accountable and proactive in 25 reducing accidents and risks."</p>	<p>1 standard. 2 At that juncture, we need to say that we did not 3 bring this issue specifically to the bus company, but on 4 the other hand, because the bus company, over the years 5 we have required them to institute an internal 6 monitoring system for the accident -- and also the 7 safety performance of the bus company. On the other 8 hand, the Transport Department has also established our 9 own safety management system with independent analysis, 10 to achieve the principle of "plan, do, check, act", 11 which is very similar to the ISO 39001 standard. 12 So while the ISO 39001 standard is pretty new in 13 relative terms as compared to the ISO 9001, and also the 14 certificate or the adoption of the ISO 9001 is on a more 15 widespread basis as compared to the adoption of the 16 39001, we treat it as a relatively new standard. That 17 is why we did not raise this specifically with the bus 18 companies at that juncture. 19 MR DUNCAN: How does the 39001 standard, as a standard, 20 compare with the management systems that the bus 21 companies operate? Which is better? 22 MS MABLE CHAN: Perhaps I will invite the chief engineer on 23 road safety to highlight a few key features of 39001 and 24 then to try to address the -- 25 MR DUNCAN: I don't think we need, with respect, to go into</p>

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<p>1 a lot of detail with regard to what the standard 2 contains.</p> <p>3 What I think the committee would be interested in is 4 the respective merits of one against the other.</p> <p>5 MR TONY YAU: Chairman, as the commissioner mentioned, 6 I think our system is actually doing the same thing, our 7 safety management system is doing the same thing, that 8 we have the planning process and we have the monitoring 9 process -- we analyse and monitor the accident 10 statistics, and then we report to the Road Safety 11 Council to formulate policy on relevant road safety 12 management measures, such as legislation enforcement.</p> <p>13 Then, after these measures are delivered or 14 implemented, the result will be reflected in the 15 accident statistics, which is the result of our 16 performance, and then we monitor the statistics again 17 and then review to see if any of our existing policy or 18 measures need to be reviewed.</p> <p>19 The management system I think is quite similar in 20 principle, but I cannot compare the details between the 21 two systems, which one is better or which one is not so 22 good as the others.</p> <p>23 But in principle, I think for the Transport 24 Department as an authority, our existing safety 25 management system can achieve the same purpose.</p>	<p>1 promulgation in 2012, the rate of the adoption of the 2 standard by the transport operators and logistics 3 companies is small as compared to the prevailing 4 adoption of the ISO 9001 by the other transport 5 operators.</p> <p>6 I have some figures or perhaps Tony can supplement 7 on the statistics, as regards the adoption.</p> <p>8 MR TONY YAU: Yes. You may say that 2012, just a few years 9 ago, is quite a long time, but for a management system 10 it's very new and the time is very, very short. What we 11 are talking about is the overall management system.</p> <p>12 With reference to the overseas experience, the 13 system so far is mainly adopted by the operators. Even 14 in Singapore and the UK, they are still studying, start 15 studying or may not try to commit to adopt the system.</p> <p>16 So you may say 2012 may be a long time ago, but for 17 a policy system or for a management system, it's very 18 new, especially for a department, for an authority to 19 adopt it, it needs some time to get more information and 20 experience, the implementation experience, so that we 21 can do a more meaningful analysis.</p> <p>22 MR DUNCAN: Thank you.</p> <p>23 Can I ask this: has the department conducted any 24 comparative analysis of the ISO standard 39001 and the 25 management systems apparently in place within the bus</p>
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<p>1 MS MABLE CHAN: May I add that the Legislative Council Brief 2 on the renewal of the franchise for KMB can be found on 3 page 1100 in bundle TD-4.</p> <p>4 The discussion in LegCo at that juncture actually 5 involved a lot of the service enhancement initiatives, 6 including enhancing ancillary facilities for passengers 7 to disseminate information and provision of fare 8 concessions and other issues relating to profit-control 9 scheme.</p> <p>10 MR DUNCAN: Has the department actually sat down and made 11 a comparison between the ISO standard 39001 and its own 12 systems?</p> <p>13 MS MABLE CHAN: Pardon me?</p> <p>14 MR DUNCAN: Has the department actually conducted a proper 15 comparative analysis of the ISO standard on the one hand 16 and the systems in place in the Transport Department on 17 the other?</p> <p>18 MS MABLE CHAN: We have yet to conduct a very comprehensive 19 and systematic study and review at this present stage, 20 especially given that we have mentioned the ISO 39001 21 is, relatively speaking, new as an adoption as a tool 22 for the transport sector. We have yet to conduct a very 23 systematic and elaborative study on that.</p> <p>24 MR DUNCAN: It did come into force in 2012.</p> <p>25 MS MABLE CHAN: In relative speaking terms, since its</p>	<p>1 companies?</p> <p>2 MS MABLE CHAN: No.</p> <p>3 MR DUNCAN: Do you have any plan in that respect?</p> <p>4 MS MABLE CHAN: In any initiatives in improving or making 5 the management system more robust, we would be ready and 6 prepared to look into that.</p> <p>7 MR DUNCAN: Do you think that would be a way of possibly 8 improving matters?</p> <p>9 MS MABLE CHAN: We will be ready to look into that as 10 a possible way to improve the traffic management system 11 in the bus operators.</p> <p>12 MR DUNCAN: If I could refer you, please, to page 782 of the 13 submission of the Community for Road Safety.</p> <p>14 There are a number of suggestions there, under the 15 heading of "Bus safety -- driving standard". They are 16 under the heading "Recommendations".</p> <p>17 Did any of those suggestions of the Community for 18 Road Safety lead to any consideration of those sorts of 19 matters by the department?</p> <p>20 MS MABLE CHAN: I will ask my colleague to read them in 21 a minute and then to give a response.</p> <p>22 MR TONY YAU: Yes, Chairman. We receive the Community for 23 Road Safety -- we occasionally receive their suggestions 24 to introduce some lower speed limits to different areas. 25 I think I need to refer to our existing speed limit</p>

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<p>1 structure in Hong Kong. In Hong Kong we implement a  2 quite simple three-tier speed limit structures. We have  3 a low-band, medium-band and high-band speed limit. For  4 low-band, we are talking about 50 kilometres per hour;  5 that will be adopted for urban or new town built-up  6 areas. Then we have the middle band, it's 70 or  7 80 kilometres per hour; it's for areas or for some trunk  8 roads outside the urban and new town areas. And the  9 last one is the high band. High band is 100 kilometres  10 per hour. It's usually for the high-standard  11 expressway.  12 In Hong Kong, the highest speed limit is  13 110 kilometres per hour, which only exists in North  14 Lantau Highways.  15 We base on this speed limit structure, this  16 three-tier structure, actually we have done a review on  17 this speed limit structure by consultants, and the  18 existing structure is generally in line with overseas  19 jurisdictions, with proven safety records. These three  20 tiers are simple for the motorists to be familiar with  21 the speed limit. We are talking about the speed limit,  22 it's not the motorist, you need to follow, or you forget  23 the traffic condition, just simply follow the speed  24 limit. The speed limit is the legislative requirement  25 that you cannot exceed the speed limit at any time, and</p>	<p>1 MS MABLE CHAN: Yes.  2 MR DUNCAN: The part of page 782 that I was particularly  3 interested in was the commencement of the  4 recommendation, not so much the speed matters.  5 The commencement reads as follows:  6 "Incorporate into franchise requirement the need to  7 set up a comprehensive standard and driver monitoring  8 system using the installed black boxes."  9 Is that something which caused consideration within  10 the department? Given that black box technology  11 of course has moved on considerably since 2003.  12 MS MABLE CHAN: The black box and the related updated  13 technology and devices is one of the subjects we  14 discussed this morning, and there is a basic minimum  15 requirement on the black boxes issued to the  16 franchisees. Over the years our vehicle licensing team  17 have taken stock of the possible advancements in black  18 boxes and have been exploring on an ongoing basis with  19 the franchisees and also the bus manufacturers, to see  20 how the black box installation can be upgraded and  21 deployed for better safety measure.  22 This is one of the issues that is keen in our heart  23 and it is actually included in our scope of work under  24 the working group under discussion currently, at the  25 moment.</p>
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<p>1 the motorists have to have the duty to make reference to  2 the traffic condition, their vehicle condition --  3 CHAIRMAN: The speed limit's not compulsory. If it's 50 k,  4 you don't have to drive at 50 k; that's your point,  5 isn't it?  6 MR TONY YAU: Yes. So for a particular point, say a bend or  7 some road with a hazard or need to slow down, we will  8 not simply just lower this bend or short section of road  9 to a lower speed limit. Instead, we provide sufficient  10 advance warning signs, road markings, to inform the  11 motorist ahead that there may be a hazard in front of  12 you and you have to slow down.  13 So that with all the information provided to the  14 motorist, the motorist has a duty to choose a safe speed  15 for travelling.  16 MS MABLE CHAN: Chairman, may I supplement that the  17 statements made by Mr Yau were actually stated in our  18 paper 10 in TD bundle, paragraphs 12 to 17. There is  19 a section on the designation of speed limits on roads  20 and also our structure on a regular review of the speed  21 limit.  22 Thank you, Chairman.  23 CHAIRMAN: Yes, I remember reading that. You made the same  24 point: the speed limit isn't mandatory. It's not  25 exceeding it that's mandatory.</p>	<p>1 CHAIRMAN: But that hasn't resulted in any revision of the  2 basic minimum requirement, which has its origins in  3 2004.  4 MS MABLE CHAN: Yet to be reflected, yes, Chairman, you are  5 right.  6 CHAIRMAN: And it doesn't incorporate GPS, does it? It  7 simply requires that speed be measured.  8 MS MABLE CHAN: The basic specifications do not reflect  9 that.  10 MR DUNCAN: If we can move to page 783, please, and the  11 Community for Road Safety's suggestion with regard to  12 bus safety and bus fleets, and the observation which was  13 made by that organisation was:  14 "KMB has been investing in new modern buses. It is  15 well agreeable that these buses are comfortable and well  16 designed. However, attention is still required for  17 safety risks including ..."  18 And then a number of safety risks are set out.  19 As matters stood at the time of this consultation in  20 2016, would the department have agreed with this  21 observation of the Community for Road Safety, that  22 attention was still required for those risks which have  23 been set out?  24 MS MABLE CHAN: I would say yes, because this is actually  25 an ongoing process, as reflected and included in our</p>

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<p>1 requirements for the bus companies to include in the 2 forward planning programmes. There are a number of 3 improvement measures that we have discussed with the 4 operators and suggest them to retrofit and to include in 5 their forward planning programmes a retrofitting 6 programme. Past examples include installation of double 7 handrailing along the staircases, horizontal guard bar 8 on the upper deck windscreen, and also strengthened 9 glass on the upper deck windscreen as well.</p> <p>10 We note the suggestions by the Community for Road 11 Safety. In fact, it is an ongoing close partner with 12 us, the Road Safety and Standards Unit, and we actually 13 take note of the various suggestions and this is on the 14 agenda when we discuss with the bus operators to explore 15 ways to further enhance bus safety within the vehicle.</p> <p>16 Thank you.</p> <p>17 MR DUNCAN: Sorry, when you say it's on the agenda, it's on 18 the agenda currently or has been on the agenda?</p> <p>19 MS MABLE CHAN: It has been on the agenda, yes.</p> <p>20 MR DUNCAN: So if these matters which the Community has 21 suggested should be incorporated into the franchise 22 agreements, if they exist they would be found in the 23 forward planning programmes?</p> <p>24 MS MABLE CHAN: Yes.</p> <p>25 MR DUNCAN: That's where we would look for those?</p>	<p>1 CHAIRMAN: And how long has the organisation been in 2 existence, as far as you are aware?</p> <p>3 MR TONY YAU: Maybe less than ten years but I'm not sure.</p> <p>4 CHAIRMAN: Has LegCo received papers over a period of time 5 from the Community for Road Safety, a number of years?</p> <p>6 MR TONY YAU: Did you mean LegCo?</p> <p>7 CHAIRMAN: Yes, the LegCo Transport Panel.</p> <p>8 MR TONY YAU: Yes.</p> <p>9 CHAIRMAN: Over what period of time?</p> <p>10 MR TONY YAU: To my memory, it's only in these few years 11 when we had some topic that was related to road safety 12 would be discussed in the Transport Panel, and Community 13 for Road Safety would submit the document.</p> <p>14 CHAIRMAN: Yes. I have been doing my own research and I'm 15 trying to get some time parameters of when these papers 16 first appeared.</p> <p>17 MS MABLE CHAN: Past few years, past couple of years, 18 I think, in LegCo.</p> <p>19 The chairman's question is for how many years has 20 this Community for Road Safety put in papers for LegCo; 21 right?</p> <p>22 CHAIRMAN: Yes.</p> <p>23 MS MABLE CHAN: This is the question.</p> <p>24 MR TONY YAU: I have no information. Not sure.</p> <p>25 MS MABLE CHAN: Do you need us to do some --</p>
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<p>1 MS MABLE CHAN: Yes. You can look for those in past forward 2 planning programmes, or we have also issued 3 a requirement to sum up the safety and enhancement 4 initiatives and requirements, and we got the 5 confirmation letter from the bus companies to install, 6 retrofit the related service or safety enhancement 7 measures in the past.</p> <p>8 So as and when our discussion with them is mature 9 and those are technically feasible for application, we 10 will issue updated service enhancement list for them to 11 confirm for retrofitting or for installation, and we 12 also will include those in our requirement in the letter 13 towards the bus operators, so that they will include 14 a retrofitting programme in their upcoming forward 15 planning programmes.</p> <p>16 MR DUNCAN: We can leave that document, thank you.</p> <p>17 CHAIRMAN: Before we move on, could you help me at least 18 with who are the members of the Community for Road 19 Safety?</p> <p>20 MS MABLE CHAN: Tony has the information.</p> <p>21 MR TONY YAU: Mr Julian Kwong.</p> <p>22 CHAIRMAN: One member?</p> <p>23 MR TONY YAU: I know he has his friends. Maybe -- to my 24 information, it's only a few members, and the founder is 25 Mr Julian Kwong.</p>	<p>1 CHAIRMAN: Perhaps if you could come back to us with 2 something in writing as to that.</p> <p>3 MS MABLE CHAN: Okay, sure. No problem.</p> <p>4 CHAIRMAN: Thank you very much.</p> <p>5 MR DUNCAN: Just on that, Ms Chan, what reputation does this 6 organisation enjoy; are you able to say?</p> <p>7 MS MABLE CHAN: I cannot comment on this.</p> <p>8 MR DUNCAN: As far as the department is concerned, does the 9 department respect the views of this organisation?</p> <p>10 MS MABLE CHAN: We do not have any comment on the reputation 11 or the standing of this Community, but being 12 a stakeholder, which will submit deputation and 13 submission to LegCo, we will take into account all the 14 submissions, including the submission from this 15 Community. Thank you.</p> <p>16 CHAIRMAN: At least you could say perhaps this, that it does 17 appear to present reasonably well thought-out -- whether 18 or not you agree with them -- suggestions?</p> <p>19 MS MABLE CHAN: They show interest in the road safety and 20 make a number of recommendations on various occasions.</p> <p>21 CHAIRMAN: And appears to be informed? Whether or not you 22 agree with the recommendations, they are based on 23 an informed understanding, it appears?</p> <p>24 MS MABLE CHAN: I have no particular comment on that.</p> <p>25 CHAIRMAN: Just a smile, nothing else; is that it?</p>

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<p>1 MS MABLE CHAN: Any deputation or submission submitted by</p> <p>2 groups or bodies in the deputation meetings, we will</p> <p>3 take into and account and read over that.</p> <p>4 Thank you, Chairman.</p> <p>5 CHAIRMAN: Mr Duncan, you were moving on.</p> <p>6 MR DUNCAN: Thank you, Mr Chairman.</p> <p>7 The committee has been informed, as you know, of</p> <p>8 these new initiatives, if I could call them that, or the</p> <p>9 latest initiatives, which have been prompted by the</p> <p>10 Sham Shui Po accident in September 2017, with the</p> <p>11 revision of the guidelines, and the further proposals</p> <p>12 following on from the accident in Tai Po in February of</p> <p>13 this year, with the added information you're getting</p> <p>14 from the bus companies and the working group, and so on.</p> <p>15 So we understand that in recent times, new matters</p> <p>16 are being considered by the department.</p> <p>17 Apart from those recent initiatives, would it be</p> <p>18 fair to say that since, say, 2012, up until the time of</p> <p>19 the Sham Shui Po tragedy, there were really no</p> <p>20 significant changes at all in the way in which the</p> <p>21 department addressed matters of safety; it was the same</p> <p>22 system throughout that period? Is that a fair</p> <p>23 observation?</p> <p>24 MS MABLE CHAN: Let me get my papers.</p> <p>25 In terms of the overall road traffic safety</p>	<p>1 driving test, they should have to attend a pre-service</p> <p>2 course before we would issue a full driving licence for</p> <p>3 the driver.</p> <p>4 CHAIRMAN: So before he is let loose on the roads he has to</p> <p>5 attend this course?</p> <p>6 MS MABLE CHAN: Yes.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 MR DUNCAN: Sorry, I may not have made my question clear,</p> <p>9 because I don't want to get involved with public light</p> <p>10 buses, unless it's relevant to these proceedings.</p> <p>11 MS MABLE CHAN: Okay.</p> <p>12 MR DUNCAN: What I'm really trying to get at is whether, if</p> <p>13 you compare the system as it was, system for safety as</p> <p>14 far as the department is concerned, safety in public</p> <p>15 buses, the system was more or less the same, from, say,</p> <p>16 2012 right down to 2017. There are no significant</p> <p>17 changes during that period to the system. Is that fair?</p> <p>18 MS MABLE CHAN: The system is established, but under the</p> <p>19 system we have an ongoing and robust monitoring and</p> <p>20 regulatory framework to monitor and regulate the</p> <p>21 franchised bus operation, and under that system we have</p> <p>22 time and again analysed the bus safety performance of</p> <p>23 individual bus operators, and then we would issue</p> <p>24 requirements for the bus operators to enhance the safety</p> <p>25 measures.</p>
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<p>1 management and monitoring, I wish to reiterate that we</p> <p>2 have an established system to take stock of the data</p> <p>3 from the accident database, analyse them, and take</p> <p>4 preventive or corrective or remedial actions.</p> <p>5 I would like to quote a few examples arising from</p> <p>6 the discussion and analysis of that independent analysis</p> <p>7 of accident data and for reporting to the Road Safety</p> <p>8 Council.</p> <p>9 A number of legislative amendments have been</p> <p>10 actually made over the years arising from discussion in</p> <p>11 the Road Safety Council, after monitoring and analysing</p> <p>12 the accident statistics. The recent one is being in</p> <p>13 June 2015, regarding the provision of the attendance of</p> <p>14 pre-service course for the issue of a full driving</p> <p>15 licence of public light bus, and in 2004, December --</p> <p>16 CHAIRMAN: Sorry, what is a pre-service course?</p> <p>17 MS MABLE CHAN: Pre-service course for the issue of a full</p> <p>18 driving licence of public light bus drivers.</p> <p>19 CHAIRMAN: Yes.</p> <p>20 MS MABLE CHAN: And in 2014 --</p> <p>21 CHAIRMAN: I still don't understand. What is a pre-service</p> <p>22 course?</p> <p>23 MS MABLE CHAN: Pre-service course is the requirement for</p> <p>24 them to attend a pre-service course after -- the public</p> <p>25 light bus driver is required to, after going through the</p>	<p>1 So this underpins the robustness of the system on</p> <p>2 an ongoing basis. The system is there, and we are</p> <p>3 exercising the control and monitoring under their</p> <p>4 system.</p> <p>5 The other system that I want to mention is about the</p> <p>6 overall road safety traffic management system. It is</p> <p>7 also an established system under which there will be</p> <p>8 monitoring and follow-up actions. Some of the follow-up</p> <p>9 actions may lead to legislative amendment exercise to</p> <p>10 tackle the relevant issues as revealed from those</p> <p>11 accidents.</p> <p>12 CHAIRMAN: The first of the examples you gave about actions</p> <p>13 taken was June 2015.</p> <p>14 MS MABLE CHAN: Yes.</p> <p>15 CHAIRMAN: You wanted to mention some others?</p> <p>16 MS MABLE CHAN: There are a couple of other legislative</p> <p>17 amendments in 2014. One is requiring the public light</p> <p>18 bus to install approved electronic data recording</p> <p>19 device. The other one is to require --</p> <p>20 CHAIRMAN: Recording what kind of data?</p> <p>21 MS MABLE CHAN: Public light bus.</p> <p>22 CHAIRMAN: To record what data?</p> <p>23 MS MABLE CHAN: Electronic data recording device, like black</p> <p>24 box.</p> <p>25 CHAIRMAN: Do you have -- first of all, was that direction</p>

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<p>1 given in writing?</p> <p>2 MS MABLE CHAN: This is a legislative amendment.</p> <p>3 CHAIRMAN: I see. Can you give us then the legislative</p> <p>4 reference? Where do we find this?</p> <p>5 MS MABLE CHAN: We will try to locate it under the Road</p> <p>6 Traffic Ordinance.</p> <p>7 CHAIRMAN: In due course --</p> <p>8 MS MABLE CHAN: In the THB bundle, there should be the Road</p> <p>9 Traffic Ordinance. Let us try to locate it.</p> <p>10 CHAIRMAN: If one of your colleagues locates it at some</p> <p>11 later stage, you can come back and tell us about it.</p> <p>12 So that's black boxes for PLBs, 2014. Yes?</p> <p>13 MS MABLE CHAN: And also the attendance of the pre-service</p> <p>14 course for the issue of the full driving licence, it is</p> <p>15 also a legislative amendment exercise. We will try to</p> <p>16 locate it as well.</p> <p>17 In 2003, we also introduce breath analysing for</p> <p>18 drink-driving.</p> <p>19 CHAIRMAN: For all drivers of all vehicles?</p> <p>20 MS MABLE CHAN: Yes.</p> <p>21 So there is a long list dating until 2010, based on</p> <p>22 cursory research, but I don't want to bother the</p> <p>23 committee with all the details.</p> <p>24 CHAIRMAN: We want to give you an opportunity to say what</p> <p>25 you want to say.</p>	<p>1 MR DUNCAN: What about since these two tragedies in</p> <p>2 September last year and February this year? Has the</p> <p>3 department made contact with any of its counterparts to</p> <p>4 see what provisions they have with regard to safety?</p> <p>5 MS MABLE CHAN: I did not recall we have particularly</p> <p>6 contacted the overseas regulators or bus regulators, but</p> <p>7 in the context of the working hour guidelines we have</p> <p>8 actually done the research into overseas experience and</p> <p>9 requirements. Examples include Singapore, the United</p> <p>10 Kingdom, United States, Australia, and EU countries.</p> <p>11 The working hour guidelines, the important factors</p> <p>12 that we have taken into account is how the local</p> <p>13 operators operate and also the request from the staff</p> <p>14 unions for improvement. But we also did research into</p> <p>15 the overseas experience and requirements, in order to</p> <p>16 assess our comparability with overseas standards as</p> <p>17 well.</p> <p>18 MR DUNCAN: When was that done?</p> <p>19 MS MABLE CHAN: September 2017 to March 2018, in that review</p> <p>20 of the working hour guidelines leading to the current</p> <p>21 revised version.</p> <p>22 MR DUNCAN: So it was just restricted to the working hours</p> <p>23 issue?</p> <p>24 MS MABLE CHAN: Yes.</p> <p>25 MR DUNCAN: You realise that the Community for Road Safety</p>
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<p>1 Yes, Mr Duncan.</p> <p>2 MR DUNCAN: So can I put it this way: restricting it to</p> <p>3 public buses --</p> <p>4 CHAIRMAN: Franchised buses?</p> <p>5 MR DUNCAN: Public franchised buses, just looking at those,</p> <p>6 do I understand from what you have said that</p> <p>7 essentially, between 2012 and 2017, the same robust, in</p> <p>8 your words, system, regulatory and monetary, was</p> <p>9 utilised during that period?</p> <p>10 MS MABLE CHAN: Yes, I would say so, not to mention during</p> <p>11 the 2012 to 2017 period, apart from legislative</p> <p>12 amendment exercise, there are also measures to improve</p> <p>13 the road design and also the road markings. After we</p> <p>14 have conducted black spot investigation and analysis of</p> <p>15 the accident data, then we will take appropriate either</p> <p>16 preventive or remedial actions in terms of road safety</p> <p>17 enhancement.</p> <p>18 MR DUNCAN: Now, could I ask this. At any time up until the</p> <p>19 time of the Sham Shui Po accident, had you engaged in</p> <p>20 consultation with any of your overseas counterparts as</p> <p>21 to what sort of safety management systems they required</p> <p>22 of their public bus operators?</p> <p>23 MS MABLE CHAN: Based on the colleagues' recollection, there</p> <p>24 is not any specific discussions with the overseas bus</p> <p>25 regulators in this regard.</p>	<p>1 has made submissions to the committee. Have you read</p> <p>2 those submissions?</p> <p>3 MS MABLE CHAN: You mean the Community for Road Traffic --</p> <p>4 sorry, I beg your pardon?</p> <p>5 MR DUNCAN: The Community for Road Safety.</p> <p>6 CHAIRMAN: Perhaps we could bring them up.</p> <p>7 MR DUNCAN: Yes.</p> <p>8 CHAIRMAN: Where do we find that?</p> <p>9 MR DUNCAN: TU-25.</p> <p>10 MS MABLE CHAN: Yes, I have read that.</p> <p>11 MR DUNCAN: I'm going to take you through a few of the</p> <p>12 points that they made, and I'm bearing in mind the</p> <p>13 chairman's remarks that they are just one view, and</p> <p>14 everybody is entitled to a view. The question will be</p> <p>15 of course as to what your view of these is and what the</p> <p>16 committee may think are practical and worthwhile</p> <p>17 considering, having heard perhaps from the Community</p> <p>18 itself and having heard your response to it.</p> <p>19 But can I ask this general question of you: having</p> <p>20 read this paper, have any of the ideas in this paper</p> <p>21 occurred to you as good ideas that the Transport</p> <p>22 Department might take into consideration, serious</p> <p>23 consideration?</p> <p>24 MS MABLE CHAN: I have read this submission when we received</p> <p>25 it in the bundle provided to us. The purpose of my</p>

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<p>1 reading is to take note of that for preparation of the</p> <p>2 IRC's proceedings. It does not amount to a serious and</p> <p>3 detailed examination of the proposals as spelled out in</p> <p>4 this submission that will bring us to a level of giving</p> <p>5 very considered and conscious response.</p> <p>6 In a very general remark, any suggestions made by</p> <p>7 bodies such as the Community for Road Safety, especially</p> <p>8 this has been a body which has been providing views in</p> <p>9 the past, we will also take note of that and I expect</p> <p>10 our colleagues will also take note of that in their</p> <p>11 upcoming discussions and deliberations with the various</p> <p>12 bus companies and manufacturers in our working group.</p> <p>13 I would like to just say that for the purpose of the</p> <p>14 IRC proceedings, I have read that, but I think that does</p> <p>15 not give us sufficient time and opportunity for us to go</p> <p>16 through it one by one and to give very detailed and</p> <p>17 informed remarks and response on the individual</p> <p>18 recommendations.</p> <p>19 MR DUNCAN: I understand. Notwithstanding that, what I'm</p> <p>20 going to do is take you through perhaps just a summary</p> <p>21 of the paper, and invite you to make any preliminary</p> <p>22 comments you may wish to make, and if you feel, because</p> <p>23 you haven't had time consider this properly, you will</p> <p>24 have the opportunity of making further written</p> <p>25 submissions on the matters.</p>	<p>1 MR DUNCAN: I think first of all you are saying you don't</p> <p>2 wish to be asked questions about this today; is that</p> <p>3 correct?</p> <p>4 MS MABLE CHAN: Let me try to restructure, in a way, my</p> <p>5 response.</p> <p>6 We take note of this submission from the Community</p> <p>7 for Road Safety for the IRC, and I read this in</p> <p>8 preparation for the deliberations. We would not wish to</p> <p>9 provide our written submission for the IRC on our</p> <p>10 analysis and the observations on the applicability of</p> <p>11 the recommendations within such period of time, because</p> <p>12 we have to go through the due process.</p> <p>13 On the other hand, I wish to assure the IRC that</p> <p>14 while we also see this submission to the IRC, we will</p> <p>15 treat this as suggestions and recommendations for the</p> <p>16 department to take it back and look seriously into in</p> <p>17 our system, and in particular in the working group on</p> <p>18 the enhancements of bus safety, and I can assure that we</p> <p>19 can go a step further in discussing with the Community</p> <p>20 for Road Safety, to hear further views from them in that</p> <p>21 context.</p> <p>22 MR DUNCAN: Let me understand this properly. First of all,</p> <p>23 you don't wish to answer questions today relating to the</p> <p>24 proposals of the Community for Road Safety; is that</p> <p>25 correct?</p>
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<p>1 Does that sound in order for you?</p> <p>2 MS MABLE CHAN: I would be inclined not to give any response</p> <p>3 at this stage in response to the recommendations.</p> <p>4 What I can respond to the committee is that we will</p> <p>5 also treat this submission to the IRC as a note and</p> <p>6 a list of recommendations so that we can take it back</p> <p>7 and look into, but I think we may not be in a position</p> <p>8 to provide further written submission, further to</p> <p>9 today's meeting, at this juncture.</p> <p>10 We treat the recommendations and suggestions very</p> <p>11 seriously, and we have to go through the due process</p> <p>12 within the department to look into the technical</p> <p>13 feasibility and applicability of each and every one.</p> <p>14 In general terms, any recommendations that may help,</p> <p>15 we will take an open-minded approach to looking into</p> <p>16 that, but it may not be fair for us to rush to any</p> <p>17 preliminary observations in regard to those</p> <p>18 recommendations for the IRC's purpose.</p> <p>19 MR DUNCAN: I don't wish to be unfair to you, so would you</p> <p>20 prefer to be given the opportunity of responding to</p> <p>21 these suggestions in writing?</p> <p>22 CHAIRMAN: I think the Commissioner for Transport has</p> <p>23 answered in the negative to that.</p> <p>24 MR DUNCAN: She would not?</p> <p>25 CHAIRMAN: No.</p>	<p>1 MS MABLE CHAN: I can try to answer but my answer should not</p> <p>2 be regarded as the department's considered view as to</p> <p>3 the applicability of the individual devices, because we</p> <p>4 haven't prepared in that regard.</p> <p>5 MR DUNCAN: Okay.</p> <p>6 MS MABLE CHAN: But I'm sure, to help the IRC and give our</p> <p>7 preliminary view, on a preliminary basis, if that can</p> <p>8 help the IRC.</p> <p>9 CHAIRMAN: Mr Duncan, let's proceed on that basis.</p> <p>10 And you, Ms Chan, indicate if you feel unable to</p> <p>11 respond.</p> <p>12 Mr Duncan.</p> <p>13 MR DUNCAN: And you don't wish to advance any written</p> <p>14 submissions, as Mr Chairman observed a few moments ago.</p> <p>15 You are saying that rather than supply written</p> <p>16 submissions to the committee, you will take these away</p> <p>17 and give them consideration; is that your position?</p> <p>18 MS MABLE CHAN: That's correct.</p> <p>19 CHAIRMAN: And go through due process?</p> <p>20 MS MABLE CHAN: Yes, that is correct.</p> <p>21 MR DUNCAN: Let me then take you to the points which</p> <p>22 occurred to me as perhaps being worthy of some</p> <p>23 consideration.</p> <p>24 MS MABLE CHAN: Sure.</p> <p>25 MR DUNCAN: First of all, in the summary at page 27, the</p>

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<p>1 fifth paragraph down, there's the observation that:  2 "The safety risks of buses are diversified in terms  3 of scenarios and severity. Scenarios of particular  4 concerns include ..."  5 And there are a number set out:  6 "-- Passenger losing balance: most frequent.  7 -- Collision with pedestrians (cyclists): common and  8 potentially severe.  9 -- Rear-front collision: common and potentially  10 severe.  11 -- Head-on collision: less frequent but potentially  12 severe.  13 -- Collision with roadside objects: common and  14 potentially severe.  15 -- Rollover: sporadic but potentially catastrophic."  16 Would you agree that that's a fair scenario of  17 particular concerns?  18 MS MABLE CHAN: I would say that it is a fair description of  19 some of the scenarios of particular concern. In fact  20 some of the aspects mentioned were also flagged up in  21 our independent accident data analysis and also in our  22 monitoring of the franchised bus operators' analysis of  23 the accident data in the forward planning programmes.  24 MR DUNCAN: And they are not inconsistent with those  25 observations?</p>	<p>1 rollover at some locations without safety barrier, [for  2 example] Peak Road, Repulse [Bay] Road, Tai Tam Road, is  3 very high and interim measures must be implemented  4 swiftly.  5 In the medium to long term, passive measures aiming  6 at limiting the consequences of crashes are very  7 important. These measures fall into two primary groups,  8 namely bus design and road design."  9 I appreciate that's a very general comment as well,  10 but the issue with regard to safety barriers in respect  11 of some locations and examples there, is that an issue  12 that you consider is worthy of attention?  13 MS MABLE CHAN: Incidentally, because the road safety, in  14 particular roadside safety on Hong Kong Island with  15 bends and curvatures has been a longstanding issue of  16 concern. In the past, we will look into the particular  17 circumstances of the spot and also the relevant road  18 section, then we will review whether there is a common  19 factor in order to take remedial or preventive measures.  20 In parallel, it just happened -- I just reported to  21 the committee -- that the Transport Department and  22 Highways Department have commissioned a consultancy  23 study on review of potential roadside safety hazards in  24 Hong Kong road network to investigate and identify  25 roadside safety hazards in a more proactive manner, in</p>
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<p>1 MS MABLE CHAN: These are some of the common issues of  2 concern.  3 MR DUNCAN: Thank you.  4 Then the next paragraph:  5 "Over the years various measures have been  6 introduced to improve bus safety. However, without  7 an insight into the problems involved, further  8 substantial improvement is unlikely and current patterns  9 will continue."  10 Do you wish to respond to that?  11 CHAIRMAN: It may be that you can't respond to that, it  12 being so general.  13 MS MABLE CHAN: Yes. The chairman is correct.  14 MR DUNCAN: Thank you.  15 We can turn the page, and let me take you straight  16 to the recommendations:  17 "The 'Safe System' approach should be adopted to  18 cover the interactions among vehicle factors, road  19 factors, human factors and management. Active measures  20 aim at preventing a crash and passive measures aim at  21 limiting injury consequences. They are equally  22 important.  23 In the short term, active measures based on  24 operational protocols and deployment of monitoring  25 systems can be quickly implemented. The risk of severe</p>	<p>1 a thorough and systemic safe-track approach, taking into  2 account overseas technology. The study will actually  3 commence in mid-May for completion in 30 months.  4 MR DUNCAN: When you say it has issued a study, is there  5 a document which --  6 MS MABLE CHAN: Yes, there is a consultancy brief.  7 MR DUNCAN: Can that be provided to the committee?  8 MS MABLE CHAN: Yes.  9 MR DUNCAN: Thank you. Will that address things such as the  10 safety barriers on these narrow, hilly roads?  11 MS MABLE CHAN: Without divulging any commercial  12 information, my colleague reminds me that this Community  13 for Road Safety is one of the sub-consultants, for the  14 consultant to conduct the study.  15 MR DUNCAN: I think the committee would be content with some  16 sort of brief as to what exactly is involved in the  17 study.  18 MS MABLE CHAN: Yes, we can provide that information, on the  19 scope and also the coverage and objective of that study.  20 CHAIRMAN: Thank you.  21 MR DUNCAN: Then we have the heading, "Operational protocols  22 and monitoring systems", and at the top of page 29, two  23 particular types of protocols are suggested. First of  24 all:  25 "-- General protocols -- addressing typical</p>

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<p>1 scenarios including speeds on busy urban streets.  2 -- Route-specific protocols -- addressing specific  3 safety risks such as sections of narrow hillside road  4 lacking a safety barrier."  5 Do these sorts of protocols exist at present?  6 MS MABLE CHAN: I'm not aware of that. But --  7 MR DUNCAN: How does that strike you? Does that strike you  8 as a good idea or are you unable to --  9 MS MABLE CHAN: I think the Community has come up with some  10 suggestion on how to address various scenarios in a more  11 systematic way. The route-specific protocols address  12 the sections of narrow hillside road lacking safety  13 barrier, and I think the study that I mentioned just now  14 is very important in mapping out the relevant road  15 sections involving hillsides and curves and to devise  16 relevant safety measures, and that will form a basis for  17 us to consider as a step forward whether there should be  18 any measures or protocols in that sense to address  19 specific safety risk scenarios.  20 I think this is the preliminary observation that  21 I can make on the spot.  22 MR DUNCAN: Thank you.  23 We then see the ISO standard creeping in again.  24 I won't ask any further questions about that.  25 Then the issue of bus design, and a number of safety</p>	<p>1 stronger than aluminium may not be beneficial during  2 accidents and it may cause other types of casualties.  3 So the buses we use nowadays, it's already up to  4 international standard, and I would say it's safe, but  5 in terms of the "safer bus" at the front, you will  6 notice that in recent years we have strengthened our --  7 put the seat belt in front on those seats in front of  8 the window, to prevent passengers from being thrown out.  9 In connection with the construction of those seats,  10 the bus company has to actually strengthen the floor and  11 fittings at the front of the buses in order to support  12 those seats and the anchorage of the seat belts.  13 CHAIRMAN: This is if it was necessary to retrofit them --  14 MR YK CHAN: Yes.  15 CHAIRMAN: -- because the bus frame itself is not strong  16 enough to sustain the anchor points for the seat belts?  17 MR YK CHAN: That's right, because those originally -- the  18 old buses are not supposed to be fitted with that sort  19 of safety seat belt, so they have to not only provide  20 the seat belts in the seats but have to actually  21 strengthen the anchorage and also the support inside the  22 frontal part of the buses.  23 So, in that respect, I would say nowadays people  24 travelling in front, with the seat belts on, are really  25 safe.</p>
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<p>1 features "are recommended as a priority".  2 Are these matters which commend themselves to the  3 department?  4 MS MABLE CHAN: Perhaps I can invite Mr Chan to comment on  5 this. I have some knowledge about a few of them but  6 perhaps he can give a more systematic and comprehensive  7 response, in a simple way.  8 CHAIRMAN: Certainly.  9 MR YK CHAN: I will try to make it simple.  10 For the "safer bus front", actually all the  11 double-decker buses currently operating in Hong Kong are  12 in compliance with the European requirements, as  13 I mentioned earlier.  14 CHAIRMAN: Because 99 per cent of them come from Europe.  15 MR YK CHAN: Yes, that's the magic figure, and confirm the  16 body structures on the franchised buses used in  17 Hong Kong are the same as those apply to other  18 countries, such as the United Kingdom, USA and  19 Singapore.  20 The major double-decker buses suppliers have also  21 confirmed that the use of aluminium alloys on the bus  22 body has been an international trend in recent years,  23 and they explain that the use of the material is  24 stronger, but nowadays all these bodies are aluminium  25 body, and they are, as explained, the use of materials</p>	<p>1 Do you want me to go over the others as well?  2 CHAIRMAN: Please.  3 MR DUNCAN: If you can, please.  4 MR YK CHAN: But safety seat belts, actually this time we  5 discuss in the technical group, they agree to fitting --  6 all the seats in the bus will be fitted with seat belts.  7 CHAIRMAN: On new buses?  8 MR YK CHAN: On new buses, as just mentioned, because  9 retrofitting is not just providing a seat and a seat  10 belt.  11 CHAIRMAN: No, no, we understand that point.  12 MR YK CHAN: "Treatments of hazards of bus interiors:  13 including" -- that has always been -- proper design of  14 buses should not have that sort of sharp edges that  15 actually people bump into and get hurt. This is  16 something that we do look into very seriously.  17 CHAIRMAN: I think in fact it might assist us more if you  18 were to move to what is described as, "The following  19 safety features should be explored": IAS and ESP.  20 IAS.  21 MR YK CHAN: Intelligence speed adaptation?  22 The look of the terms, I'm not sure exactly what  23 function is going to be provided. But if you are  24 talking about the old thing, sort of integrating the  25 speedometer with GPS and the base, the roadmap, in order</p>

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<p>1 to sort of provide an overall monitoring of the driving 2 behaviour and the vehicle's operating status -- 3 CHAIRMAN: That's what I understand this system to be. 4 MR YK CHAN: If it is the system is meant to be used for, 5 then yes, we have been -- in the technical group we did 6 discuss about this, and obviously at the moment the 7 discussion is still going, because there are sort of 8 technical and also management considerations that have 9 to be sorted out. 10 CHAIRMAN: What are the technical issues? 11 MR YK CHAN: Today, as I mentioned earlier, in the session 12 yesterday, the sort of merging of the function of the 13 speed limiter and also the GPS system, to provide 14 accurate positioning of the vehicle, and interface with 15 the base map, and this sort of matching -- I think 16 mainly it's because GPS is not accurate in the moment, 17 in the operating environment of Hong Kong, but -- 18 CHAIRMAN: What is the problem? 19 MR YK CHAN: Because the height of the buildings and all the 20 surrounding area, that may, in some patches of road, in 21 particular like if you are in Central, when both sides 22 are covered by buildings and we only have a little bit 23 of sky you can pick up the GPS, then -- 24 CHAIRMAN: The GPS antenna needs to be able to pick up the 25 satellites in the sky; that's the problem, isn't it? If</p>	<p>1 If you turn to page 55, you may get a little bit 2 more assistance with regard to the intelligent speed 3 adaptation system and the autonomous emergency braking 4 systems, which seem to be under active consideration at 5 the moment by Transport for London, which is your 6 counterpart, I think, in that city. 7 MS MABLE CHAN: Yes. I would just like to mention that 8 personally, as commissioner, I haven't had an 9 opportunity to contact the overseas counterpart or visit 10 them, but my colleagues in the Transport Department have 11 in the past visited London, United States as well, for 12 different various issues under Transport Department's 13 purview. 14 I would just like to emphasise that we will make use 15 of opportunities available to make contact with them and 16 visit them, and to go through various issues under our 17 purview. 18 MR DUNCAN: Have those contacts in the past been concerned 19 with safety matters? 20 MS MABLE CHAN: My deputy has conducted a visit to London. 21 MS MACELLA LEE: For example, I went to visit the authority 22 of Transport for London and also Singapore, but at that 23 time our focus was more on service rationalisation, on 24 the service side more, and also the use of realtime bus 25 arrival systems, and those more new technologies for</p>
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<p>1 it can't see the satellite because of a building, the 2 signal fails. Is there any research on this? 3 MR YK CHAN: Actually, we are discussing with the bus 4 companies and in conjunction with the supplier of those 5 systems, to see whether there's any sort of reliable and 6 more functional system that can be adopted. 7 So I would say, at this moment, under the working 8 group, we are not ruling out this particular 9 application. This is still ongoing. 10 MS MABLE CHAN: And we ascertained that this is actually 11 a very intelligent way of controlling speed and mapping 12 it with the geotechnical features on the road. We are 13 certainly alive to the benefit and advantage of this 14 system, but in the process we have to make sure that it 15 can work in the local context of Hong Kong. 16 We do not rule it out. We will try our very best to 17 see whether it can be adopted in the medium term or in 18 the not-too-distant future. We will put it on trial. 19 Actually, the electronic stability programme is 20 an issue that they have agreed to install on new buses 21 as an immediate measure. 22 The autonomous emergency braking system is another 23 example that we will also look into. 24 CHAIRMAN: Thank you. 25 MR DUNCAN: Thank you.</p>	<p>1 provision of passenger information, more on the service 2 side, I'm afraid. On that occasion, it was not on bus 3 safety. 4 CHAIRMAN: But you are aware that Transport for London have 5 conducted tests on this IAS system? 6 MS MABLE CHAN: Yes, from the engineering side, they have 7 kept me informed of this. 8 Actually, my colleague have been drafting 9 a programme for me to visit other overseas 10 jurisdictions. The issue is that there is not -- we 11 have yet to plan on that basis. We have to deal with 12 a number of competing priorities at the moment. 13 Thank you. 14 MR DUNCAN: Finally then on page 29, "Road design": 15 "The following improvements related to road design 16 and traffic management are crucial for bus safety". 17 And there are some particular matters there. Would 18 you be able to respond at all to those, Ms Chan? 19 MS MABLE CHAN: You mean paragraph 2? 20 MR DUNCAN: Paragraph 3 on page 29. 21 MS MABLE CHAN: These areas relating to road design and 22 traffic management are actually our task and on the 23 agenda of our regular road safety monitoring and audit, 24 under the Road Safety Council agenda, and as part of the 25 follow-up or as part of the preventive actions we looked</p>

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<p>1 into ways to improve road design, which includes safety 2 barriers and widening of blind bends.</p> <p>3 The imposition of some safety barriers actually is 4 one of the measures that we have adopted to improve the 5 Tai Po Road section as well.</p> <p>6 The safe crossing facilities or conditions around 7 bus stops is actually an ongoing task for us to provide 8 on a district basis. We conduct regular district visits 9 and meetings with district councillors and we will take 10 the opportunity of new developments and redevelopments 11 on the district. Should there be any provisions of bus 12 stops, bus lay-by, then we will look into the need to 13 provide suitable pedestrian crossing to enhance the 14 safety of pedestrians.</p> <p>15 MR DUNCAN: You mentioned an audit under the Road Safety 16 Council agenda. What is that?</p> <p>17 MS MABLE CHAN: By means of audit, I'm referring to our 18 established system of the road safety monitoring and 19 analysis, with a quarterly report to the Road Safety 20 Council.</p> <p>21 MR DUNCAN: That's the one that I asked you about this 22 morning?</p> <p>23 MS MABLE CHAN: Yes. I should not use the word "audit". 24 I have to be careful with this word. So the road safety 25 monitoring system relating to the Road Safety Council.</p>	<p>1 programme -- the safety chapter in the forward planning 2 programme of KMB.</p> <p>3 MEMBER LO: Yes. The numbers are categorised, for example 4 at the bottom of page 91, by "Hours on duty before 5 accident". The table seems to indicate that those 6 working over ten hours have a lower involvement rate in 7 accidents, because it's the lowest bar. But I think, to 8 be fair, we have to divide or normalise by the 9 population in that bar. If there were very few drivers 10 driving over ten hours, of course the accident rate 11 would be lower. So this way of presenting information 12 could be made clearer, so we can understand the causes 13 of that.</p> <p>14 The same for also bus captain service period, the 15 figure above. The table indicates that the year zero to 16 one year has the highest accident rate. Maybe there are 17 simply more drivers belonging to that category.</p> <p>18 To be fair for the analysis and also to expose the 19 issues underlying the figures, would it be possible to 20 regenerate this graph and to normalise it, so that we 21 know exactly the risk exposure, instead of simply 22 categorising it. I know the data is from KMB. I'm not 23 sure if this thing can be done by TD or we can ask KMB 24 to redo it.</p> <p>25 CHAIRMAN: If it's a KMB document, perhaps it lies for KMB</p>
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<p>1 MR DUNCAN: Ms Chan, that brings me to the end of the 2 questions that I was going to ask and the matters that 3 I wish to explore.</p> <p>4 The committee may have some further questions for 5 you. I would like to thank you and your colleagues for 6 assisting the commission.</p> <p>7 MS MABLE CHAN: Thank you very much, senior counsel, for 8 assisting me and my team to answer the questions. Thank 9 you.</p> <p>10 Questioning by THE COMMITTEE</p> <p>11 MEMBER LO: I just have some clarification questions on the 12 statistics provided by your bundle last night on the 13 accident statistics.</p> <p>14 If you flip to page 91, I think it's KMB or Citybus. 15 KMB, I think.</p> <p>16 CHAIRMAN: Mr Duncan, has this been given pagination now, 17 overall pagination? I think Prof Lo is working from 18 internal pagination.</p> <p>19 MR DUNCAN: Yes, it has now.</p> <p>20 CHAIRMAN: Where do we find it?</p> <p>21 MR DUNCAN: TD-1.</p> <p>22 MEMBER LO: Yes, starting at page 182.</p> <p>23 MR DUNCAN: 176 onwards.</p> <p>24 CHAIRMAN: They are yet to find their way into our bundle.</p> <p>25 MS MABLE CHAN: It should be the forward planning</p>	<p>1 to address whether or not it's appropriate to rectify 2 it, if that's necessary.</p> <p>3 MS MABLE CHAN: I agree with the chairman.</p> <p>4 MEMBER LO: Okay. So I raise with KMB? Okay.</p> <p>5 The question I have is would TD actually write out 6 the specification for future reports, so as to report 7 accordingly, not using this particular format?</p> <p>8 MS MABLE CHAN: Yes. It is an ongoing requirement, and 9 I take your point. Although we are -- sort of this 10 analysis is done by the bus company, your point is -- we 11 will take that back and then look into how the accident 12 rate analysis can be more accurate and concise in 13 reflecting the picture. We will consider that.</p> <p>14 Thank you.</p> <p>15 MEMBER AUYEUNG: Thank you, Chairman. I have one request or 16 maybe question. This refers back to the report that 17 Mr Duncan referred to earlier, named Community for Road 18 Safety.</p> <p>19 On page 29, talking about road design, as we all 20 know, we have many new buses coming in which are of much 21 larger size than before, and when I look at the road 22 design, and you did mention, Ms Chan, that the 23 government has widened some roads before, in view of all 24 these new vehicles coming -- can you give us some 25 examples in writing later on, just to show that we</p>

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<p>1 actually -- your department has actually widened some</p> <p>2 roads in consideration of all the new buses coming in</p> <p>3 which are as large as 12.8 metres long?</p> <p>4 MS MABLE CHAN: The widening of some roads is not</p> <p>5 particularly to cater for the new buses with that</p> <p>6 extended length. But we can go back and ascertain --</p> <p>7 try to locate whether there are some examples, like the</p> <p>8 cul de sac, which we have to make sure -- I have to sort</p> <p>9 of explain. The cul de sac is --</p> <p>10 CHAIRMAN: The turning circle.</p> <p>11 MS MABLE CHAN: -- yes, the turning circle for buses or</p> <p>12 other vehicles to turn around, and how we have to ensure</p> <p>13 the design, the width and the turning curve on the</p> <p>14 cul de sac can accommodate buses of, say, 12.8 metres,</p> <p>15 for those bus stops nearby or in the vicinity,</p> <p>16 especially in those new residential developments, where</p> <p>17 we have the cul de sac for buses and other vehicles to</p> <p>18 turn around before going out to the main road.</p> <p>19 I will see if we can give some example to illustrate</p> <p>20 that, in order to answer the question.</p> <p>21 MEMBER AUYEUNG: Also, if possible please cover the New</p> <p>22 Territories area, because, as we understand, New</p> <p>23 Territories have a different set of design of roads, so</p> <p>24 I would like to know how are we accomplishing</p> <p>25 accommodating those buses.</p>	<p>1 realtime driving indicators will first help to identify</p> <p>2 those bus captains with this high incidence on</p> <p>3 a particular route, then they will sort of install this</p> <p>4 kind of indicator in the bus, so as to -- as a reminder</p> <p>5 for the bus captains to utilise the driving skills in</p> <p>6 order to remind them of the necessary skills along</p> <p>7 a particular route.</p> <p>8 Perhaps the KMB will be in a better position to</p> <p>9 elaborate how it functions and how it serves the purpose</p> <p>10 of improving the drivers' behaviour, in those</p> <p>11 circumstances.</p> <p>12 CHAIRMAN: The use of the word "indicator" doesn't suggest</p> <p>13 a flashing light or a device; it is an analysis done on</p> <p>14 a tachograph to see heavy retardation or heavy</p> <p>15 acceleration?</p> <p>16 MS MABLE CHAN: Yes.</p> <p>17 CHAIRMAN: Thank you.</p> <p>18 At KMB again, page 98, paragraph 8.4.2, the</p> <p>19 statement is made that in terms of assignments to new</p> <p>20 bus captains, they are given, it states, "easy routes".</p> <p>21 Are you aware of any designation of routes by KMB as</p> <p>22 being easy, difficult; any other system?</p> <p>23 MS MABLE CHAN: There are some description of routes which</p> <p>24 are complicated, complicated routes, so other not</p> <p>25 designated as complicated routes should be considered as</p>
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<p>1 Thank you very much.</p> <p>2 Thank you, Chairman.</p> <p>3 MS MABLE CHAN: That is doable. Thank you.</p> <p>4 CHAIRMAN: There are one or two matters I would like to take</p> <p>5 up with you.</p> <p>6 Since you've got the KMB paper that you provided us</p> <p>7 with, the forward planning paper -- I think that's still</p> <p>8 in front of you -- at KMB internal pagination 96, "Bus</p> <p>9 captain training and monitoring". Of course, this is</p> <p>10 a KMB paper, but presumably the Transport Department</p> <p>11 understand what they are talking about when they give it</p> <p>12 to you.</p> <p>13 Can you help us -- it's the last two lines on the</p> <p>14 page -- what are "Realtime driving indicators are</p> <p>15 installed in all buses which can help bus captains to</p> <p>16 utilise the driving skills learnt in the eco-safe</p> <p>17 driving training course"? What are these realtime</p> <p>18 indicators?</p> <p>19 MS MABLE CHAN: In our discussions with the KMB and also at</p> <p>20 the KMB board meetings, on some occasions they will</p> <p>21 update us on the monitoring device to assist or enhance</p> <p>22 the driving behaviour of the bus captains, because at</p> <p>23 some point they also identify the driver behaviour</p> <p>24 factor, including the incidence of harsh braking, and</p> <p>25 there is some realtime -- as I understand, these</p>	<p>1 easy routes.</p> <p>2 More often, they refer to complicated routes.</p> <p>3 CHAIRMAN: So this is their system of determining the</p> <p>4 difficulty or otherwise of a particular road or route?</p> <p>5 MS MABLE CHAN: Yes, because the complicated routes, as</p> <p>6 I understand, may cover areas with more turns and bends,</p> <p>7 or there are more stops along the routes, with more</p> <p>8 passengers boarding or alighting, so it will not be</p> <p>9 straightforward driving and short route. Some of the</p> <p>10 routes involve more stops and cover a lot of various</p> <p>11 districts and there may be some routes covering some</p> <p>12 common or black spot accident areas.</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 Page 99, paragraph 8.5.7. That's the internal</p> <p>15 pagination.</p> <p>16 The references there to there having been a survey</p> <p>17 of "44 buses installed with 3-point seat belts on all</p> <p>18 seats by the end of April 2017. Survey will be</p> <p>19 conducted to assess the utilisation rate of seat belt on</p> <p>20 buses which are installed with [those kinds of seat</p> <p>21 belt]."</p> <p>22 Are you aware of the results of such a survey?</p> <p>23 MS MABLE CHAN: We are aware that this is an initiative done</p> <p>24 by the KMB themselves and they would like to conduct</p> <p>25 a survey to ascertain the utilisation rate. But we are</p>

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<p>1 not aware of the findings of the survey yet.</p> <p>2 CHAIRMAN: Would you expect to be told the results?</p> <p>3 MS MABLE CHAN: Yes, because this is actually raised in the</p> <p>4 board meetings as well, and we would expect the company</p> <p>5 to report on the utilisation rate of seat belts. If</p> <p>6 they do not report, we will certainly raise.</p> <p>7 CHAIRMAN: Very well.</p> <p>8 One final matter. In the TD-1, it's your paper 8</p> <p>9 where you look at technology, and one of the items at</p> <p>10 page 102, paragraph 21, is a speed display unit.</p> <p>11 What is said about that is that it is technically</p> <p>12 feasible to install it. That's paragraph 22:</p> <p>13 "The ... manufacturers have advised that it is</p> <p>14 technically feasible ..."</p> <p>15 Then there are the comments made in the latter part</p> <p>16 of paragraph 22:</p> <p>17 "... the FB operators are concerned that [the speed</p> <p>18 display unit] would create conflicts and arguments</p> <p>19 between the bus captain and passengers, and impose</p> <p>20 additional pressure on the bus captains which in turn</p> <p>21 would affect the safety for bus driving. The FB</p> <p>22 operators consider that the SDU is not conducive in</p> <p>23 enhancing bus safety."</p> <p>24 Am I correct in understanding that this kind of</p> <p>25 units, speed display units, are used and have been used</p>	<p>1 from the bus operators that the bus captains may</p> <p>2 consider this device may impose additional pressure on</p> <p>3 them. So this is a sensitive area that we will have to</p> <p>4 seriously consider and we may as well have to explore it</p> <p>5 with the bus captain associations to tap their</p> <p>6 sentiments on it before we can take it further.</p> <p>7 CHAIRMAN: Will you be doing that?</p> <p>8 MS MABLE CHAN: We will be doing that.</p> <p>9 CHAIRMAN: Will you also be consulting the public as to</p> <p>10 whether or not this is something they think is a good</p> <p>11 idea, as being passengers whose safety is in the hands</p> <p>12 of a bus captain?</p> <p>13 MS MABLE CHAN: We will surely need to take into account any</p> <p>14 public views on that. We haven't thought of any</p> <p>15 particular way to do that, but a possible and usual way</p> <p>16 is to sort of first discuss with the staff unions and</p> <p>17 also the bus captains to get their reaction, and then we</p> <p>18 may have to see whether we can get further views or</p> <p>19 feedback from the Legislative Council Panel on</p> <p>20 Transport, which may serve as a forum to flesh out the</p> <p>21 proposals to be taken forward in enhancing bus safety.</p> <p>22 CHAIRMAN: How was it that the Transport Department came to</p> <p>23 learn that the public were concerned about speeding in</p> <p>24 PLBs? How was the public opinion learnt in that case?</p> <p>25 MS MABLE CHAN: It is not just a public concern but it is</p>
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<p>1 on PLBs for some time?</p> <p>2 MS MABLE CHAN: Yes.</p> <p>3 CHAIRMAN: Can you help us as to when they were installed on</p> <p>4 PLB?</p> <p>5 MS MABLE CHAN: A few years. We will try to be more</p> <p>6 specific.</p> <p>7 CHAIRMAN: Yes.</p> <p>8 MS MABLE CHAN: A few years. This device was installed in</p> <p>9 public light buses in the light of the concerns about</p> <p>10 speeding in public light buses. This issue was actually</p> <p>11 also discussed in the Transport Advisory Committee, and</p> <p>12 we include this as an agenda item in the scope of work</p> <p>13 to be discussed with the bus manufacturers and bus</p> <p>14 companies, to ask them to seriously consider the</p> <p>15 feasibility and applicability of installing the speed</p> <p>16 display unit.</p> <p>17 The statements that we make here in paragraph 22</p> <p>18 reflect the current status of discussion.</p> <p>19 CHAIRMAN: I appreciate that, because at the moment the</p> <p>20 discussion is confined to a tripartite group, is it not?</p> <p>21 MS MABLE CHAN: Yes.</p> <p>22 CHAIRMAN: Namely the franchised bus operators, yourself,</p> <p>23 and the bus manufacturers, when required to be brought</p> <p>24 in technically.</p> <p>25 MS MABLE CHAN: Yes. We are also aware from the feedback</p>	<p>1 also the accident rates involving public light bus. One</p> <p>2 of the contributing factors is also speeding and driver</p> <p>3 behaviour, so the accidents of the public light bus</p> <p>4 actually over the years is relatively high. Actually</p> <p>5 I would say that the rate of involvement of public light</p> <p>6 bus is higher than the franchised bus as well. So we</p> <p>7 have taken the effort to require the installation of the</p> <p>8 speed display units inside the public light bus.</p> <p>9 CHAIRMAN: Are you able to help -- and say so if you are</p> <p>10 not -- as to whether or not the installation of these</p> <p>11 devices on public light buses led to any conflicts and</p> <p>12 arguments between passengers and drivers? I'm</p> <p>13 paraphrasing from what the franchised bus operators have</p> <p>14 said is their concern about installation on franchised</p> <p>15 buses. Was there any increasing conflict?</p> <p>16 MS MABLE CHAN: Following the installation of the speed</p> <p>17 display unit inside the public light bus, we are not</p> <p>18 particularly aware of any surge in public complaints on</p> <p>19 such kind of installation during their journey over the</p> <p>20 public light bus.</p> <p>21 CHAIRMAN: I was thinking more about conflicts resulting</p> <p>22 from the fact that the information is available to the</p> <p>23 passengers that the bus is speeding. Has that resulted</p> <p>24 in conflicts, for example?</p> <p>25 MS MABLE CHAN: Not to our knowledge that there is any</p>

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<p>1 significant increase in such kind of complaints about  2 the installation of the units in the public light bus.  3 Chairman, to supplement, the imposition of the speed  4 limiter for public light bus was commenced since June  5 2010 as part of the licensing conditions for public  6 light buses.  7 CHAIRMAN: Thank you.  8 In that case, that brings me to the end of the  9 questions I have for you. May we thank you and your  10 colleagues for all the assistance you have given us, and  11 we look forward to receiving the material that you said  12 you would endeavour to provide to us in writing in due  13 course.  14 Thank you very much.  15 MS MABLE CHAN: Thank you very much. Thank you again,  16 Chairman, for your guidance during the deliberations,  17 and the senior counsel as well. Thank you.  18 CHAIRMAN: In those circumstances, these proceedings will be  19 adjourned. For general information, these are the first  20 of the oral hearings, to which we intend to invite  21 others to attend in due course. When we make those  22 invitations, if they are accepted, then information will  23 be displayed on our website as to when those hearings  24 are to take place.  25 Thank you very much.</p>	<p>1 INDEX  2 PAGE  3 EVIDENCE FROM THE TRANSPORT DEPARTMENT: .....1  4 MS MABLE CHAN, MS AMY LEE,  5 MS RACHEL KWAN, MS MACELLA LEE,  6 MR REGINALD YK CHAN, MR TONY YAU  7 Further opening statement by MS MABLE CHAN .....1  8 Examination by MR DUNCAN (continued) .....4  9 Questioning by THE COMMITTEE .....150  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
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<p>1 (4.27 pm)  2 (The hearing adjourned to a date to be fixed)  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	