

Page 1	Page 3
<p>1 Monday, 24 September 2018</p> <p>2 (10.00 am)</p> <p>3 EVIDENCE FROM THE HONG KONG POLICE FORCE: MS CHAN YI PING,</p> <p>4 MR STEPHEN BAKER, MS YAU SIN MAN, MR LEE TAI WAI,</p> <p>5 MR CHEUNG TIN LOK (simultaneous interpretation was used</p> <p>6 where indicated)</p> <p>7 CHAIRMAN: Good morning, and good morning, Chief</p> <p>8 Superintendent Yau. Thank you for attending and we</p> <p>9 thank your colleagues for attending to help us.</p> <p>10 The way in which the proceedings will unfold you are</p> <p>11 no doubt familiar with. We have counsel, and leading</p> <p>12 counsel Ms Wong will be asking questions today. The</p> <p>13 questions in the first place will be directed towards</p> <p>14 you, but if one of your colleagues is better able to</p> <p>15 assist us, by all means defer to that colleague and we</p> <p>16 will happily take information/evidence from that person</p> <p>17 or any one of the other colleagues you wish to depute to</p> <p>18 perform that role.</p> <p>19 If you have any difficulties with understanding</p> <p>20 questions, please state so and we'll see if we can't</p> <p>21 make sure it's elaborated.</p> <p>22 Ms Wong.</p> <p>23 Examination by MS MAGGIE WONG</p> <p>24 MS MAGGIE WONG: Thank you, Mr Chairman, Ms Yau, and ladies</p> <p>25 and gentlemen, for coming. I will be asking questions</p>	<p>1 information would you use in compiling this data?</p> <p>2 MS YAU SIN MAN: (Via interpreter) You mean what information</p> <p>3 would be collected by us?</p> <p>4 I will ask my colleague to explain in detail the</p> <p>5 information that we will collect.</p> <p>6 MR STEPHEN BAKER: In general terms, the information would</p> <p>7 include the type of vehicle, the number of casualties,</p> <p>8 the type and nature of the casualties, whether it was</p> <p>9 a serious injury, slight injury or a fatality, and also</p> <p>10 a list of driver contributory factors, things which,</p> <p>11 according to the investigating officer, contributed to</p> <p>12 the cause of the accident.</p> <p>13 These are compiled pretty much in a tick-box kind of</p> <p>14 way and submitted electronically to the Road Safety</p> <p>15 Unit, and then shared with the Transport Department, to</p> <p>16 enable the Road Safety Unit and the Transport Department</p> <p>17 to analyse the causation factors of traffic accidents,</p> <p>18 in order to design and adjust their road safety</p> <p>19 strategy.</p> <p>20 CHAIRMAN: Is there a template, therefore, for this method</p> <p>21 of providing the data?</p> <p>22 MR STEPHEN BAKER: Yes, my Lord.</p> <p>23 CHAIRMAN: And do you have a copy of the template?</p> <p>24 MR STEPHEN BAKER: I do.</p> <p>25 CHAIRMAN: Would you be able to provide us with it?</p>
Page 2	Page 4
<p>1 on behalf of the committee.</p> <p>2 I believe the police have provided in total eight</p> <p>3 responses, letters of reply to the committee's</p> <p>4 enquiries, providing different answers to different</p> <p>5 aspects, and they are all found in the miscellaneous</p> <p>6 bundle.</p> <p>7 I will be first of all directing my questions on</p> <p>8 a number of topics. The first topic is in relation to</p> <p>9 the statistics of accidents.</p> <p>10 Ms Yau, I believe that the police have developed</p> <p>11 a database on all traffic accidents; is that correct?</p> <p>12 MS YAU SIN MAN: (Via interpreter) May I answer in Chinese?</p> <p>13 MS MAGGIE WONG: Yes.</p> <p>14 MS YAU SIN MAN: Correct.</p> <p>15 MS MAGGIE WONG: Thank you. I need to pause a bit so that</p> <p>16 it can be translated.</p> <p>17 And this database, can you tell us whether it is</p> <p>18 based on the investigation reports compiled by the</p> <p>19 police from time to time?</p> <p>20 MS YAU SIN MAN: (Via interpreter) I will ask my colleague.</p> <p>21 We have a database on traffic accidents. The</p> <p>22 information is collected from the police regions. We</p> <p>23 would also state the causes of accidents in that</p> <p>24 database.</p> <p>25 MS MAGGIE WONG: Now, in compiling these statistics, what</p>	<p>1 MR STEPHEN BAKER: I would, sir, yes.</p> <p>2 CHAIRMAN: Can you do that now?</p> <p>3 MR STEPHEN BAKER: Yes.</p> <p>4 CHAIRMAN: We will have it copied, please. (Handed).</p> <p>5 MS MAGGIE WONG: Thank you.</p> <p>6 Mr Baker, in this data form, in finding out what is</p> <p>7 happening in these accidents, you would wish to find</p> <p>8 out, first of all, how people are injured, where they</p> <p>9 are injured, and why they are injured; is that correct,</p> <p>10 in summarising the data to be collected?</p> <p>11 MR STEPHEN BAKER: The information mainly concerns the</p> <p>12 causation factors of the accident rather than the type</p> <p>13 of injury. Classification of the type of injury is more</p> <p>14 limited to whether it was a serious injury, that is</p> <p>15 defined by the amount of time the person spent in</p> <p>16 hospital, or if it was a slight injury, or if it was</p> <p>17 a fatality.</p> <p>18 CHAIRMAN: Is that the same definition that one finds in the</p> <p>19 back page of the traffic report that the police publish?</p> <p>20 MR STEPHEN BAKER: I haven't seen that document recently,</p> <p>21 sir.</p> <p>22 CHAIRMAN: Let me provide you with a copy of it.</p> <p>23 Can you give this to the chief superintendent.</p> <p>24 It has an explanatory note on the back page. For</p> <p>25 the chief superintendent, please. Just give it to the</p>

Page 5	Page 7
<p>1 chief superintendent. (Handed).  2 There is a list of terms defined there. It's on the  3 back page.  4 MR STEPHEN BAKER: That's correct, sir, yes.  5 CHAIRMAN: So that method of definition is one that's  6 employed in the template?  7 MR STEPHEN BAKER: It's not in the template, sir, but it's  8 how we classify them.  9 CHAIRMAN: Thank you very much. We will have that copied  10 now, if we may. Thank you.  11 MS MAGGIE WONG: Thank you.  12 When this information has been compiled, would other  13 departments or in particular the Audit Commission  14 conduct an independent audit of the information  15 collected by the police and the Transport Department --  16 is that correct?  17 MR STEPHEN BAKER: I am not aware of the Audit Commission  18 being involved in the road safety process.  19 CHAIRMAN: Perhaps we can help you. We have an Audit  20 Commission paper --  21 MS MAGGIE WONG: Yes.  22 CHAIRMAN: -- where the Audit Commissioner is looking at  23 different things, but it also looked at administration  24 of road safety. This is March 2013.  25 MS MAGGIE WONG: Yes. May I take you to the SEC bundle,</p>	<p>1 electronic transfer of traffic accident data. The  2 Transport Department uses the traffic accident data in  3 the TIS to identify locations of accident block spots  4 and accident trends for in-depth investigation and  5 analysis. The data also serve as an important source of  6 information for formulation of road safety strategies,  7 publicity/education programme and ongoing review of road  8 safety legislation among other road safety initiatives."  9 It coincides with what you have told us earlier that  10 the information will be shared with the Transport  11 Department for devising road safety strategies. And one  12 of the issues raised in this report is --  13 CHAIRMAN: Before you go any further, if it helps you, Chief  14 Superintendent, this material is available in paper form  15 so that you can have a look at other pages, rather than  16 the ones you are being referred to, if that helps you.  17 MR STEPHEN BAKER: Thank you.  18 CHAIRMAN: Just ask for it and it will be provided to you.  19 MR STEPHEN BAKER: If I could take a look at it.  20 CHAIRMAN: Can we do that? Can we provide SEC -- I think  21 this covers two volumes, does it not, SEC-1 and SEC-2?  22 MS MAGGIE WONG: Yes, SEC-2.  23 CHAIRMAN: But it begins in bundle 1, am I right, 467?  24 MS MAGGIE WONG: Yes, 467.  25 CHAIRMAN: Take a moment to familiarise yourself with it, so</p>
Page 6	Page 8
<p>1 page 467. I believe that's bundle 2.  2 Mr Baker, this is an Audit Commission report dated  3 28 March 2013, prepared by the Transport and Housing  4 Bureau, Transport Department, Hong Kong Police Force,  5 and Information Services Department, relating to the  6 administration of road safety measures.  7 We can see this report was tabled before LegCo  8 later, on 5 April 2013, as part of the report on the  9 results of value for money audits.  10 If I take you to the SEC bundle, the same bundle,  11 page 543, paragraph 5.3, we can see at paragraph 5.2 it  12 states:  13 "The police is responsible for investigating traffic  14 accidents."  15 And you have a database, if we look at line 4:  16 "The police requires its investigation officers to  17 keep their investigation findings and results in  18 individual physical files and input accident data into  19 a computerised case management database (known as the  20 traffic operations and management system -- TOMS) within  21 48 hours of the accidents. The data may be amended ..."  22 And 5.3 states:  23 "The police's TOMS is linked with the TD's  24 [Transport Department's] database (known as the  25 transport information system -- TIS ...) for the</p>	<p>1 you have an idea of what it is you are being asked  2 about.  3 MR STEPHEN BAKER: Thank you, sir.  4 MS MAGGIE WONG: This report is compiled by the Audit  5 Commission, the purpose of which is to audit the data to  6 ensure or to check whether the information relayed by  7 the police and the Transport Department are accurate.  8 According to this report, it suggested that there  9 appear to be inaccuracies in the road traffic accident  10 data. We can see that at page 476, paragraphs 10 to 11.  11 First of all, we see "Accuracy of traffic accident  12 data", the heading. It stated "Traffic accident  13 locations" and also "Traffic accident contributory  14 factors". In the "Traffic accident locations", if we  15 look in line 4:  16 "The traffic accident location is identified using  17 a grid reference system. Due to inaccurate input of  18 grid references, the Transport Department has to spend  19 extra time and resources to rectify the problem ... In  20 Audit's view, prompt and effective measures should be  21 taken to ensure that the grid references for traffic  22 accident locations are correctly input in the first  23 place ..."  24 And it identifies relevant paragraphs in the report  25 which I am going to take you to in a moment.</p>

Page 9	Page 11
<p>1 The second matter, Mr Baker, as you have earlier                  2 mentioned, is the traffic accident contributory factors.                  3 It also mentioned that during a sample check -- that's                  4 in line 4 of paragraph 11:                  5 "In a sample check of the accident contributory                  6 factors input for 50 traffic accident cases, Audit found                  7 that 13 per cent of the input factors were inaccurate                  8 and there was no record of supervisory check for the 50                  9 cases. There is a need to tighten management control in                  10 this regard ..."                  11 So it appears the data compiled in both aspects --                  12 that's the location and the contributory factors --                  13 appears to be inaccurate. I understand this report was                  14 made in 2013. First of all, may I ask a general                  15 question: were you aware of the problems identified in                  16 this report about the inaccuracy of the traffic accident                  17 data?                  18 MR STEPHEN BAKER: I was aware of this report when it was                  19 written. Since that time, I have worked in other police                  20 formations and so I haven't been able to follow what                  21 measures were taken in consequence of this report. But                  22 I recall at the time that the report was being prepared                  23 that the main problem was a discrepancy between the                  24 location of where the police said the accident occurred                  25 and where the accident was recorded in the TIS system,</p>	<p>1 a highway."                  2 If you go over the page, at page 545, paragraph 5.8,                  3 you can see "TD's checking", Transport Department's                  4 checking:                  5 "To minimise the risks of inaccurate grid references                  6 mentioned in paragraph 5.5, the Transport Department has                  7 since 2008 carried out selective checks on grid                  8 references input by the police. Notwithstanding the                  9 launch of the map-based TIS, the TD still identified                  10 inconsistencies between the grid references and the                  11 description of the locations input by the police."                  12 And we can see in paragraph 5.9, it noted that in                  13 April 2010, in a meeting of April 2010, the Transport                  14 Department informed the police that about 40 per cent of                  15 the input grid references were found to be inconsistent                  16 with the descriptions of the accident locations.                  17 At the time of the review, that's 5.10:                  18 "... Audit found that the problem of inaccurate grid                  19 references still [existed]."                  20 If you look at line 5, it stated:                  21 "... the grid references of 7,314 (ie 26 per cent of                  22 27,755) cases were inaccurate."                  23 And if we look at 5.11, the Transport Department --                  24 CHAIRMAN: I think this is a matter that concerns us less or                  25 interests us less than the issue of the inaccuracy of</p>
Page 10	Page 12
<p>1 and I recall that what the police believed was the cause                  2 of the problem was the TIS system was relying on                  3 a mapping system prepared by the Highways Department or                  4 used by the Highways Department which referred to grid                  5 blocks or grid zones, which didn't necessarily coincide                  6 with the police description of the location.                  7 MS MAGGIE WONG: Yes. In fact, you are correct, Mr Baker,                  8 and that problem has been identified in the report                  9 itself.                  10 If I could take you briefly to what was stated.                  11 That is at page 505. If we start at 544, paragraph 5.5,                  12 it stated there:                  13 "Inaccurate grid references could adversely affect                  14 the accuracy of the accident black spot list compiled by                  15 the Transport Department in the following two ways:                  16 (a) a non-accident prone site would be wrongly                  17 listed as a traffic accident black spot if the same grid                  18 reference was used for accidents occurring on different                  19 locations of a road; and                  20 (b) a location with frequent accidents would be                  21 omitted from the accident black spot list ..."                  22 And in paragraph 5.6:                  23 "In the 2006 review, Audit found that the police                  24 incorrectly input the same grid reference for 20                  25 accidents occurring on different locations of</p>	<p>1 the attribution of contributory factors.                  2 MS MAGGIE WONG: Yes.                  3 CHAIRMAN: Perhaps we could deal with this more shortly.                  4 MS MAGGIE WONG: Yes.                  5 CHAIRMAN: There were recommendations about how to fix this                  6 problem, and the real question is: has this been done?                  7 Perhaps we can go to the recommendations, first of                  8 all, at 5.14.                  9 MS MAGGIE WONG: Yes.                  10 If you go to 5.14, page 548, it suggested to enhance                  11 the system by incorporating a validation check control                  12 in the TOMS/TIS so that police investigation officers                  13 would be alerted to any out-of-the-range error at the                  14 time of data input.                  15 And the police agreed with the audit                  16 recommendations, as we can see at paragraph 5.15.                  17 So my question is: has that situation been improved                  18 since this Audit Commission report in 2013?                  19 MR STEPHEN BAKER: I would like to put my answers in the                  20 context that I was aware of the audit report in 2012,                  21 and that I have been away from traffic policing for some                  22 time, until 2017. Also, I was unaware that I would be                  23 questioned about the audit report and so I haven't been                  24 able to make enquiries to answer your questions before                  25 the hearing.</p>

Page 13	Page 15
<p>1 I can say that, as I recall, from 2012 and 2013, 2 measures were implemented in terms of supervision of 3 data input, and I can say that since this report was 4 written, the TOMS system has been replaced by what we 5 call the case management information system, which is 6 a more modern facility for the police to input data on 7 all kinds of police enquiries, including traffic 8 enquiries.</p> <p>9 And it is my understanding that this what we call 10 the CMIS, case management information system, is linked 11 to the Transport Department TIS system, but I am unable 12 to say at the moment in what way the system has been 13 enhanced in terms of the recording of the location of 14 traffic accidents.</p> <p>15 CHAIRMAN: Yes, thank you, Chief Superintendent. We 16 of course understand and accept the caveats that you 17 enter. We will be receiving evidence in due course 18 again from the Transport Department, and perhaps the 19 question we could ask you now is simply this: are you 20 aware of any ongoing problems about location inaccuracy?</p> <p>21 MR STEPHEN BAKER: I am not, sir.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 MS MAGGIE WONG: Turning to the second matter, the traffic 24 accident contributory factors, which is trickier than 25 the first one because it requires input, actual data</p>	<p>1 in terms of accident data?</p> <p>2 MR STEPHEN BAKER: I was not. I was not aware of the 3 significant problem with the input of contributory 4 factors.</p> <p>5 CHAIRMAN: Perhaps, as a way of trying to understand how 6 this might occur, if after an accident a driver was to 7 tell the policeman, perhaps having been cautioned, "My 8 brakes didn't work", would that then perhaps be entered 9 as "mechanical failure"?</p> <p>10 MR STEPHEN BAKER: Yes, sir.</p> <p>11 CHAIRMAN: And if the system wasn't rigorous enough to 12 correct that later, when the vehicle examiner said, 13 "There was no problem with the brakes -- there might 14 have been other issues but there was no problem with the 15 brakes", would that result in that error being carried 16 forward?</p> <p>17 MR STEPHEN BAKER: The error could be corrected, sir.</p> <p>18 CHAIRMAN: It ought to be corrected but it might explain why 19 it remains in the system?</p> <p>20 MR STEPHEN BAKER: That is a possibility, yes.</p> <p>21 MS MAGGIE WONG: And Audit at that time suggested a number 22 of recommendations in the report. The recommendations 23 can be found at 5.22 at page 551.</p> <p>24 To sum up, it required the police to tighten 25 management control in terms of input into the system, by</p>
Page 14	Page 16
<p>1 input, by police officers into the system, as to the 2 causes of the accidents.</p> <p>3 If we look at the report, at paragraph 5.17 at 4 page 549, 5.17 states:</p> <p>5 "The TD [Transport Department] relies on the traffic 6 accident contributory factors input by the police into 7 the TIS for identifying problems of road environment, 8 road users and driving behaviour, and [also to 9 formulate] strategies to tackle specific types of 10 accidents."</p> <p>11 And during the 1998 review, the Audit's sample check 12 revealed an error rate of 25 per cent, and in the 2006 13 review, the error rate was 13 per cent.</p> <p>14 During the audit examination, at 5.20: 15 "... Audit examined 50 traffic accident 16 investigation case files ... and the related 280 17 accident contributory factors input to the TIS. Audit 18 found that 37 (13 per cent) of the input factors in 34 19 cases were inaccurate ..."</p> <p>20 And they identify two accidents, and in summary they 21 discovered that some of the cases where "mechanical 22 defects" were input as the accident contributory factor 23 when in fact it was not.</p> <p>24 First of all, were you aware of this problem in 25 relation to the compilation of this particular aspect,</p>	<p>1 reminding supervisory staff to critically check the 2 accuracy against the records kept in the case files; and 3 also to maintain records of their supervisory checks in 4 relevant case files for management review.</p> <p>5 As far as you are aware, has that been done or have 6 the recommendations been carried out?</p> <p>7 MR STEPHEN BAKER: The recommendations were carried out.</p> <p>8 MS MAGGIE WONG: And, as far as you know, were you aware of 9 any inaccurate compilation of data in relation to the 10 accident contributory factors, as of to date?</p> <p>11 MR STEPHEN BAKER: As far as I am aware, the data is input 12 as accurately as possible.</p> <p>13 CHAIRMAN: I think perhaps you can only answer that 14 generally rather than saying "any", but generally, are 15 you satisfied that the system better presents accurate 16 data now?</p> <p>17 MR STEPHEN BAKER: I am, sir, yes.</p> <p>18 MS MAGGIE WONG: Thank you.</p> <p>19 If I may take you to another document. The purpose 20 of this exercise -- perhaps Mr Baker and Ms Yau -- the 21 purpose of this exercise is to ascertain the accuracy of 22 the traffic accident data, as you are no doubt aware, 23 because this information is relevant to the Transport 24 Department in devising road safety strategy or 25 improvement measures. So the accuracy of the data is of</p>

Page 17	Page 19
<p>1 importance.</p> <p>2 One of the aspects that we heard about from one of</p> <p>3 the experts, who testified last week, is we need certain</p> <p>4 procedures to consider whether there should be an impact</p> <p>5 study in Hong Kong. So you basically look at the number</p> <p>6 of victims you have, and then look at the cost of</p> <p>7 installation of these devices and look at the cost of</p> <p>8 serious injury in your jurisdiction.</p> <p>9 So we need to have some objective data to see if</p> <p>10 there is a legitimate approach to examine safety, and to</p> <p>11 that extent, what information we have in Hong Kong to</p> <p>12 compile that data -- so that you know what direction</p> <p>13 I am going.</p> <p>14 CHAIRMAN: Perhaps, in that context, might I indicate this.</p> <p>15 This cost/benefit analysis, how you might approach, for</p> <p>16 example, installing safety devices on vehicles, is one</p> <p>17 that they apparently use in Australia, but it obviously</p> <p>18 has as its core accurate data. We are particularly</p> <p>19 interested in that in the context of seat belts, seat</p> <p>20 belts in franchised buses. So that is an aspect that we</p> <p>21 will be coming back to later.</p> <p>22 MS MAGGIE WONG: Yes.</p> <p>23 CHAIRMAN: Ms Wong, now that we have what I think I call the</p> <p>24 template of factors that are listed as contributory</p> <p>25 factors, perhaps at some stage you could detail them.</p>	<p>1 to.</p> <p>2 CHAIRMAN: Yes. So, for example, in the context of seat</p> <p>3 belts, a regular pattern of accidents in buses appears</p> <p>4 to be, and are described as, loss of balance. The</p> <p>5 figure seems to be maintained at around 50 per cent of</p> <p>6 the injuries involved in and around buses.</p> <p>7 Another aspect of the statistics is persons injured</p> <p>8 on a bus separate from loss of balance. So that is</p> <p>9 something we will come to in due course.</p> <p>10 MS MAGGIE WONG: Thank you.</p> <p>11 Mr Baker, first of all, may I ask some general</p> <p>12 questions. We have been provided, as Mr Chairman</p> <p>13 mentioned, the forward planning programme of these</p> <p>14 franchised bus operators, which straddles five years and</p> <p>15 it will be renewed on a yearly basis as to what the</p> <p>16 safety features would be, and conducts an analysis of</p> <p>17 accident trends and statistics.</p> <p>18 Would the police be provided with a copy of this</p> <p>19 forward planning programme from the Transport</p> <p>20 Department?</p> <p>21 MR STEPHEN BAKER: We have not been, and I wasn't aware that</p> <p>22 we would be. We hadn't any expectation to receive it.</p> <p>23 CHAIRMAN: No, as I indicated earlier, we have been given to</p> <p>24 understand that this material was confidential, and it</p> <p>25 is with some difficulty, over some months, that we have</p>
Page 18	Page 20
<p>1 Obviously you might need first to read them, but it</p> <p>2 would be helpful if we were to go to that at some stage.</p> <p>3 MS MAGGIE WONG: Yes. I may come back to it later, after</p> <p>4 the break.</p> <p>5 CHAIRMAN: Yes.</p> <p>6 MS MAGGIE WONG: To that end, in particular on seat belts --</p> <p>7 I am coming to this topic -- first of all, I wish to</p> <p>8 identify some of the statistics that we have from the</p> <p>9 Transport Department and also from the forward planning</p> <p>10 programme that was forward by the franchised bus</p> <p>11 operators in relation to non-collision-type accidents.</p> <p>12 May I --</p> <p>13 CHAIRMAN: Again, forgive me for interrupting, that is</p> <p>14 another area where, in the course of our hearings, we</p> <p>15 have gathered together information to be found in</p> <p>16 documents that are otherwise confidential, that went</p> <p>17 between the franchised bus operators and the Transport</p> <p>18 Department, in which they were asked to analyse the</p> <p>19 causes of accidents on a whole range of different</p> <p>20 parameters.</p> <p>21 Have you had an opportunity to look at that</p> <p>22 material? It is on our website, but if you haven't,</p> <p>23 that's another area where we are going.</p> <p>24 MR STEPHEN BAKER: I looked at some material over the</p> <p>25 weekend, sir, which I believe is what you are referring</p>	<p>1 obtained the documentation.</p> <p>2 MS MAGGIE WONG: May I take you to some of the documents as</p> <p>3 examples. It would be at TD-1, page 180. At page 180</p> <p>4 is the extract of the forward planning programme for</p> <p>5 2018 to 2022 submission by Kowloon Motor Bus.</p> <p>6 If we look at paragraph 8.2.7, we can see the KMB,</p> <p>7 the bus company, had identified or done an analysis of</p> <p>8 the accident nature for the years of 2015 to 2016, and</p> <p>9 we can see in particular, table 8.1, the passenger loss</p> <p>10 of balance as 51.5 per cent, and at paragraph 8.2.7,</p> <p>11 stating that:</p> <p>12 "The majority of the accidents ... were due to</p> <p>13 passengers losing balance while on the bus. More than</p> <p>14 half of these cases were caused by the bus braking in</p> <p>15 traffic."</p> <p>16 It also named other accidents.</p> <p>17 This report, this chapter, contained a number of</p> <p>18 statistics, and this is just one of them. First of all,</p> <p>19 my general question is: would this sort of information</p> <p>20 assist the police in terms of compilation of data and</p> <p>21 analysis of accident data, if you were given a copy of</p> <p>22 this from the franchised bus operators? Would it assist</p> <p>23 your department carrying out the duties?</p> <p>24 MR STEPHEN BAKER: My first impression is that a lot of this</p> <p>25 information is covered in our casualty causation factors</p>

Page 21	Page 23
<p>1 already.</p> <p>2 MS MAGGIE WONG: Casualty causation factors?</p> <p>3 MR STEPHEN BAKER: Our accident causation factors already,</p> <p>4 and without spending more time to study this information</p> <p>5 I wouldn't be able to comment further.</p> <p>6 CHAIRMAN: But, if you had this information, you would have</p> <p>7 the consolation of knowing that your own figures matched</p> <p>8 those of people who are expert in running this</p> <p>9 particular aspect of transportation?</p> <p>10 MR STEPHEN BAKER: We would, sir, yes.</p> <p>11 MS MAGGIE WONG: Because, as you know, one of the</p> <p>12 recommendations in the Audit Commission report is to</p> <p>13 critically check the accuracy of the data input to the</p> <p>14 system. So, with this information, you could actually</p> <p>15 cross-check or double-check the data you have compiled</p> <p>16 to ensure it is accurate; would you agree with that</p> <p>17 suggestion?</p> <p>18 MR STEPHEN BAKER: It would be a useful reference, yes, but</p> <p>19 actually, I think we would value the assessment of our</p> <p>20 officers, to a great extent, although it would be</p> <p>21 useful.</p> <p>22 MS MAGGIE WONG: For the purpose of verification and</p> <p>23 double-checking?</p> <p>24 MR STEPHEN BAKER: As a cross-reference, yes, but how would</p> <p>25 we verify it? We would verify it by looking at what our</p>	<p>1 based on the information compiled.</p> <p>2 If we look at paragraph (a), it set out the 120 road</p> <p>3 casualties in 2012, 15 involved traffic accidents</p> <p>4 happened on expressways, and in paragraph (b):</p> <p>5 "Not many major cities in overseas countries publish</p> <p>6 statistics on accident involvement rates separately for</p> <p>7 public transport."</p> <p>8 And they could only obtain relevant figures for some</p> <p>9 major cities in the United Kingdom.</p> <p>10 If we go over the page, at paragraph (c), it</p> <p>11 summarised that:</p> <p>12 "For franchised buses, because of the large number</p> <p>13 of passengers carried and the presence of standing</p> <p>14 passengers, a significant proportion of accidents</p> <p>15 involves injury of passengers even [when] there is no</p> <p>16 collision. This type of accidents typically involves</p> <p>17 passengers losing balance inside the bus compartment due</p> <p>18 to various reasons, such as not holding the handrail</p> <p>19 tightly or falling down when boarding or alighting.</p> <p>20 These are classified as non-collision type accidents.</p> <p>21 Of the [2,000-odd] franchised buses ... 5 per cent were</p> <p>22 non-collision type accidents."</p> <p>23 So, more or less, the figure matches the KMB figure</p> <p>24 provided in their forward planning programme. We can</p> <p>25 see more up-to-date statistics in the Transport</p>
Page 22	Page 24
<p>1 officers found out in their enquiry, because their</p> <p>2 enquiries would be rather thorough.</p> <p>3 MS MAGGIE WONG: Now, in compiling your data, we can see, as</p> <p>4 an example of that, the passenger loss of balance here</p> <p>5 is 51.5 per cent, and if I may take you to the letter</p> <p>6 compiled by the Transport Department as to the</p> <p>7 statistics back in 2013, first of all. It is the letter</p> <p>8 dated 16 May 2013. That would be in SEC-2, page 566.</p> <p>9 This is a letter from the Transport Department to</p> <p>10 the LegCo, and if we look at page 567, at paragraph (c),</p> <p>11 it identifies the number of road accidents for</p> <p>12 franchised buses. It stated that 58 per cent were</p> <p>13 non-collision --</p> <p>14 CHAIRMAN: Before you get into detail, perhaps you could,</p> <p>15 for the record, and for Chief Superintendent Baker,</p> <p>16 establish the context of this letter.</p> <p>17 MS MAGGIE WONG: Yes.</p> <p>18 CHAIRMAN: Is this a response to the Audit Commissioner's</p> <p>19 report?</p> <p>20 MS MAGGIE WONG: Yes. This is a response to the issues</p> <p>21 raised in the LegCo, when considering chapter 2 of the</p> <p>22 Director of Audit's report in administration of road</p> <p>23 safety measures that we have looked at earlier,</p> <p>24 containing recommendations, and the inaccuracies. And</p> <p>25 the Transport Department provides certain statistics</p>	<p>1 Department paper, but you need not go through that. The</p> <p>2 new percentage that they have compiled is about 59 to</p> <p>3 65 per cent of all accidents involving franchised buses</p> <p>4 during 2012 to 2017 are non-collision type accidents.</p> <p>5 CHAIRMAN: When you say "accidents", are you describing</p> <p>6 injuries?</p> <p>7 MS MAGGIE WONG: Yes.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MS MAGGIE WONG: The reference is at TD-1, page 111,</p> <p>10 paragraph 5.</p> <p>11 Now, the question I would be asking is: in compiling</p> <p>12 your data, would you differentiate accidents or injuries</p> <p>13 caused to passengers while they are seated, or whether</p> <p>14 they are standees in the bus compartments?</p> <p>15 MR STEPHEN BAKER: As far as I recall, we don't have</p> <p>16 a differentiation whether the victim was standing or</p> <p>17 sitting.</p> <p>18 CHAIRMAN: Is that because your approach is global, as it</p> <p>19 were, rather than specific towards buses? Your</p> <p>20 template, for example --</p> <p>21 MR STEPHEN BAKER: Yes, sir.</p> <p>22 CHAIRMAN: -- is not designed for that peculiarity?</p> <p>23 MR STEPHEN BAKER: That is correct, sir, yes.</p> <p>24 CHAIRMAN: Your template works for all vehicles?</p> <p>25 MR STEPHEN BAKER: Yes, sir.</p>

Page 25	Page 27
<p>1 CHAIRMAN: At some stage, sooner rather than later, I think 2 it would be useful to get to the template, because that 3 probably gives us the direction in which the police 4 approach the attribution of causative factors in 5 accidents and injuries. 6 MS MAGGIE WONG: Maybe we can go to your template, to 7 establish a few matters first. 8 CHAIRMAN: Perhaps in the first place, Chief Superintendent, 9 you could describe what the document is, and where it 10 comes from. 11 MR STEPHEN BAKER: This is a list of driver contributory 12 factors, and the code on the left enables our officers 13 to input onto the computer system what the contributory 14 factor was. 15 MS MAGGIE WONG: There are two boxes there. The bottom box 16 seems to be a summary of the major accidents caused by 17 different driver contributory factors, based on the 18 number of accidents in descending order. Is that 19 correct? The bottom box is a summary extracting the 20 major causes of contributory factors in descending 21 order? 22 MR STEPHEN BAKER: I'm sorry, I haven't prepared for these 23 questions. 24 CHAIRMAN: Let's take it step by step. The list at the top 25 clearly provides an omnibus approach to factors that</p>	<p>1 otherwise: swerving/stopping suddenly". 2 MR STEPHEN BAKER: Yes. 3 MS MAGGIE WONG: And the sixth one is "Improper or illegal 4 turn". 5 MR STEPHEN BAKER: Correct. 6 MS MAGGIE WONG: As we can see, I think there are a total of 7 I think ten -- I haven't calculated it but there are 8 around ten-odd contributory factors that have been 9 extracted here. 10 MR STEPHEN BAKER: Yes. 11 MS MAGGIE WONG: But the table doesn't identify the injuries 12 caused to the passenger. For example, in 13 passenger-losing-balance cases, where would we see this 14 data? It appears this table doesn't contain that sort 15 of information. 16 MR STEPHEN BAKER: That's right. For our statistical 17 purposes, we only categorise injuries into those three 18 categories, and we don't further categorise them. We 19 would have to look at the case file to obtain further 20 information about the injury. 21 CHAIRMAN: So your three categories are fatal accidents, 22 serious accidents and slight accidents, and the 23 explanatory notes on the back of the 2017 police report 24 on traffic accidents -- "Traffic Report", I think it's 25 called -- defines what those terms mean?</p>
Page 26	Page 28
<p>1 might have been relevant to driver contributory factors, 2 and there are, it appears, 62 of them. Do I understand 3 this correctly? Never mind what happens on the 4 right-hand side of the page. These are the 5 pre-determined factors that may have been part of 6 an accident contribution? 7 MR STEPHEN BAKER: That's correct, sir, yes. 8 MS MAGGIE WONG: And, if we look at the bottom box, the 9 driver contributory factor, let's quote an example. We 10 see "Driving inattentively", that is 189 cases for the 11 first eight months in 2018; is that correct? That's 12 code number 56. 13 MR STEPHEN BAKER: Yes. 14 MS MAGGIE WONG: And we can see, in descending order, the 15 next one is number 60, "Failing to ensure the safety of 16 passenger", and we can see the number of cases here are 17 97, based on the statistics in the first eight months of 18 2018. 19 MR STEPHEN BAKER: Yes. 20 MS MAGGIE WONG: And the third major factor is "Driving too 21 close to vehicle in front". 22 MR STEPHEN BAKER: Yes. 23 MS MAGGIE WONG: The fourth one is "Careless lane changing". 24 MR STEPHEN BAKER: Yes. 25 MS MAGGIE WONG: The fifth one is "To avoid collision or</p>	<p>1 MR STEPHEN BAKER: That is right, sir, yes. 2 CHAIRMAN: And, in a sense, this is an arbitrary drawing of 3 lines when one comes to serious and slight accidents? 4 You've got to draw the line somewhere? 5 MR STEPHEN BAKER: Yes. 6 CHAIRMAN: There is nothing magic about being in a hospital 7 for 12 hours, rather than 15 or 20, or three days? 8 MR STEPHEN BAKER: That is right, sir. 9 MS MAGGIE WONG: Is there another template for injuries that 10 you have identified, the three categories of injuries 11 suffered by passengers on buses, franchised buses? 12 MR STEPHEN BAKER: I am not aware of another template. 13 MS MAGGIE WONG: Then how do you calculate the number of 14 cases where passengers lose balance on buses? 15 MR STEPHEN BAKER: I would have to look into that. 16 I haven't got that information with me. 17 CHAIRMAN: Is it possible that this is a detail that you 18 don't get involved in? 19 MR STEPHEN BAKER: It is, sir, yes. 20 CHAIRMAN: Professor. 21 MEMBER LO: I just want to understand who actually put down 22 the contributory factors; by the officer at the scene, 23 or determined afterwards? So who determines what 24 factors contributed to the accident? 25 MR STEPHEN BAKER: The officer who investigated the traffic</p>

Page 29	<p>1 accident. Once he had been to the scene, he would go</p> <p>2 back to his office later and input the contributory</p> <p>3 factors onto the computer system. And the data would be</p> <p>4 compiled by the Road Safety Unit in the Traffic Branch,</p> <p>5 and analysed.</p> <p>6 MEMBER LO: But there may be multiple parties. For example,</p> <p>7 if the bus company investigated the accident afterwards,</p> <p>8 would those factors be flowed back into the accident</p> <p>9 record; for example, losing balance?</p> <p>10 MR STEPHEN BAKER: No. It's all based on police enquiries.</p> <p>11 MEMBER LO: What about TD? Who will maintain a record, as</p> <p>12 the ultimate eventual authority, to say, "This is the</p> <p>13 record"? Is it TD, is it police, is it -- how do you</p> <p>14 flow information into it?</p> <p>15 MR STEPHEN BAKER: All of the data is input by the police</p> <p>16 based on their assessment, and transferred to TD, where</p> <p>17 it is kept and analysed.</p> <p>18 MEMBER LO: So the information would not go from TD back to</p> <p>19 police records?</p> <p>20 MR STEPHEN BAKER: We have access to the TD's information,</p> <p>21 and we share the information regularly.</p> <p>22 CHAIRMAN: But the Transport Department is using your</p> <p>23 information?</p> <p>24 MR STEPHEN BAKER: That's right, sir.</p> <p>25 CHAIRMAN: And you don't have access to the franchised bus</p>	Page 31	<p>1 information, they will consult with us about it. I am</p> <p>2 not aware of all of the circumstances by which they</p> <p>3 would believe there is a discrepancy.</p> <p>4 CHAIRMAN: Are you able to give us any example to illustrate</p> <p>5 that process?</p> <p>6 MR STEPHEN BAKER: On a regular basis, our Road Safety Unit</p> <p>7 does receive referrals of cases for which the Transport</p> <p>8 Department would like us to review the data that we have</p> <p>9 provided. But I don't know on what basis they think</p> <p>10 there is a discrepancy, whether it is from the bus</p> <p>11 company or for any other reason.</p> <p>12 CHAIRMAN: And, in your review of the data that you</p> <p>13 provided, what steps would be taken?</p> <p>14 MR STEPHEN BAKER: We would contact the investigating</p> <p>15 formation to double-check that the information they have</p> <p>16 input to the computer system is correct, ie that it</p> <p>17 matches the information they have produced on their</p> <p>18 investigation file.</p> <p>19 CHAIRMAN: At what stage in the investigation of the</p> <p>20 accident is the data inputted by these codes into the</p> <p>21 computer? How far into the investigation before that</p> <p>22 happens?</p> <p>23 MR STEPHEN BAKER: At a very early stage, within hours.</p> <p>24 CHAIRMAN: And, in the process of a review, which by its</p> <p>25 nature must happen much later, what other material is</p>
Page 30	<p>1 accident statistics or their designation of contributory</p> <p>2 factors?</p> <p>3 MR STEPHEN BAKER: We do not, sir, yes.</p> <p>4 MEMBER LO: So there could be inconsistencies among the</p> <p>5 records kept by the bus company and the police and TD?</p> <p>6 MR STEPHEN BAKER: There could be, but I would suggest that</p> <p>7 we would rely on our assessment of what happened,</p> <p>8 because the accident has been investigated by a police</p> <p>9 officer who has interviewed witnesses, and I don't know</p> <p>10 how the bus companies make their assessment of what</p> <p>11 happened.</p> <p>12 CHAIRMAN: The Transport Department would be at the apex of</p> <p>13 the triangle, as it were; they get information through</p> <p>14 this forward planning programme, certainly we know about</p> <p>15 that now, and they get information from you. They have</p> <p>16 two sources of information but you only have one.</p> <p>17 MR STEPHEN BAKER: That's right, sir, yes.</p> <p>18 MS MAGGIE WONG: Just a matter of logistics: if the</p> <p>19 Transport Department discovered there are certain</p> <p>20 inaccuracies in the information compiled by the police,</p> <p>21 based on the data provided by the franchised bus</p> <p>22 operators, do you know what they would do about it?</p> <p>23 Would they consult you first?</p> <p>24 MR STEPHEN BAKER: I am aware that when the Transport</p> <p>25 Department think there is a discrepancy in the</p>	Page 32	<p>1 available that might be looked at to determine whether</p> <p>2 or not the initial assessment was accurate?</p> <p>3 MR STEPHEN BAKER: The initial assessment is made almost as</p> <p>4 soon as the officer goes back to his office. Further</p> <p>5 enquiries might find that the data needs updating. The</p> <p>6 example you gave of the driver saying the brakes didn't</p> <p>7 work and yet, after examination, it is found that there</p> <p>8 is nothing wrong with the brakes, is a good one. And it</p> <p>9 takes time to find witnesses and to make analysis of the</p> <p>10 facts that have been gathered at the scene.</p> <p>11 CHAIRMAN: Yes, Ms Wong.</p> <p>12 MS MAGGIE WONG: Thank you.</p> <p>13 So do I understand it correctly that it is the</p> <p>14 officer who is involved in the case who inputs the data</p> <p>15 in the first place?</p> <p>16 MR STEPHEN BAKER: That is correct.</p> <p>17 MS MAGGIE WONG: And who will be conducting the</p> <p>18 double-checking or critical checking?</p> <p>19 MR STEPHEN BAKER: Normally, it would be the sergeant, and</p> <p>20 there are different levels of supervision involved in</p> <p>21 the handling of case enquiries.</p> <p>22 MS MAGGIE WONG: Yes, and the sergeant will be the sergeant</p> <p>23 in charge of that division of the officer in charge of</p> <p>24 the case?</p> <p>25 MR STEPHEN BAKER: Directly in charge of that officer.</p>



Page 33	Page 35
<p>1 MS MAGGIE WONG: We will move on to the topic of seat belts.  2 The reason we have spent quite a bit of time on  3 statistics is because it is related to this issue of  4 seat belts.  5 One of the things we have heard during the evidence  6 is that you can't give seat belts to people who are  7 standing, or standees; you can only --  8 CHAIRMAN: Forgive me again for interrupting.  9 Is the failure to use a seat belt one of the driver  10 contributory template factors?  11 MR STEPHEN BAKER: It is not a contributory factor to the  12 cause of an accident.  13 CHAIRMAN: No, but it is to the injury.  14 MR STEPHEN BAKER: Yes. I would have to look further, sir,  15 to answer that question.  16 CHAIRMAN: So this is limited to driver contributory factors  17 of the accident?  18 MR STEPHEN BAKER: Yes, sir.  19 CHAIRMAN: Not the consequences of the accident?  20 MR STEPHEN BAKER: Yes.  21 CHAIRMAN: Thank you.  22 MS MAGGIE WONG: These driver contributory factors, these  23 factors, for how long have they been revised or since  24 when they have been revised or updated?  25 MR STEPHEN BAKER: I don't know.</p>	<p>1 regard to this issue on buses, it is a narrow issue from  2 your point of view, I understand that -- buses,  3 passengers being injured by loss of balance -- how  4 often, if you are aware, would the police have recourse  5 to the black boxes, telematics devices, on the bus, to,  6 for example, examine excessive braking, excessive  7 acceleration or excessive inclination?  8 MR STEPHEN BAKER: The police would have access to any  9 exhibit when they were investigating an arrestable  10 offence, and that would include causing death by  11 dangerous driving, careless driving, et cetera.  12 CHAIRMAN: I appreciate that. That's the general provision.  13 But the question really is more specific: how often  14 actually do the police examine this material? For  15 example, one can readily see why you might examine it  16 when you have a fatal accident, but when you have an old  17 lady who falls over because she lost her balance on the  18 bus and breaks her leg, is that something that would be  19 looked at or not? In the general it could be, but is it  20 in fact?  21 MR STEPHEN BAKER: I would have to consult my colleagues,  22 sir.  23 CHAIRMAN: Thank you.  24 MS MAGGIE WONG: Following on that question, will there be  25 a general protocol in terms of investigation into</p>
Page 34	Page 36
<p>1 MS MAGGIE WONG: Would you mind checking and provide us with  2 the information in due course. Would your department  3 consider compiling a separate template for consequences  4 of accidents that cause particular types of injuries?  5 CHAIRMAN: I'm sorry, what are you inviting the chief  6 superintendent to do?  7 MS MAGGIE WONG: For example, to have certain statistics  8 compiled in relation to, like, passenger losing balance,  9 like statistics similarly conducted by the franchised  10 bus operators, or to expand the list here, to identify  11 which are the ones which caused the passenger losing  12 balance in that particular category, given it accounts  13 for the major proportion of the accidents.  14 MR STEPHEN BAKER: I would like to spend some time to  15 investigate further how -- we already record such  16 details. I'm sorry that I haven't brought such  17 information to the hearing.  18 MS MAGGIE WONG: Yes. Maybe I will go back to the seat  19 belts issue, because it is relevant to the seat belt  20 issue, as to -- we have the statistics which account for  21 about 59 to 65 per cent for non-collision-type accidents  22 due to passenger losing balance.  23 So, going back to my issue --  24 CHAIRMAN: Before you move on, may I ask this general  25 question: as an investigative tool, particularly having</p>	<p>1 traffic accidents that, as a matter of routine  2 procedures, you have to obtain black-box or telematics  3 data from the relevant franchised bus companies?  4 MR STEPHEN BAKER: I am not aware that it is done routinely,  5 and I would need to consult with my colleagues to find  6 out how often it is done.  7 MS MAGGIE WONG: And, in that regard, CCTV footages,  8 installed on buses?  9 MR STEPHEN BAKER: I am afraid it is not a level that I have  10 worked at, and I would have to consult with my  11 colleagues.  12 MS MAGGIE WONG: So may I take you to a working group. If  13 we start, in terms of this topic on seat belt, may  14 I start the process by inviting you to look at a paper  15 in relation to the Working Group on Enhancement of  16 Safety of Franchised Buses, which had been set up after  17 the Tai Po accident in February 2018.  18 That would be TD Paper 8, at TD-1, page 94.  19 Maybe I will give this in context. This working  20 group was set up arising from the Tai Po accident in  21 February 2018, with the representatives of all five  22 franchised bus companies, and bus manufacturers, as well  23 as the Transport Department, in mid-March 2018, to  24 review the technical feasibility and desirability of  25 installing new safety devices or applying new technology</p>

<p style="text-align: right;">Page 37</p> <p>1 on the safety devices to franchised buses, to enhance 2 protection to passengers. 3 Were you aware of the existence of this working 4 group? 5 MR STEPHEN BAKER: No. 6 MS MAGGIE WONG: Or, within the police, do you know who 7 would -- so far as you are concerned, you do not know, 8 but what about people within the police department; do 9 you know who would be responsible for -- 10 CHAIRMAN: I think it might help the chief superintendent if 11 you were to describe the limited number of parties to 12 this working group, if you were to take him to that 13 information. 14 MS MAGGIE WONG: Yes. 15 Mr Baker, if you look at paragraph 4, we can see the 16 number of people involved, and footnote 1, the people 17 involved would be the franchised bus companies, namely 18 the Kowloon Motor Bus, Long Win Bus, Citybus, New World 19 Bus and New Lantao Bus. 20 If we go up to paragraph 4 -- 21 CHAIRMAN: I think we can start at the top of the page. 22 MS MAGGIE WONG: Yes, at the top of the page. 23 CHAIRMAN: "... the TD set up a working group with 24 representatives of all franchised bus companies ..." 25 "FB" is the acronym used for franchised bus</p>	<p style="text-align: right;">Page 39</p> <p>1 resulting in three passengers on board the CTB's bus 2 being thrown out of the bus, the TD recommended and the 3 FB operators agreed that safety seat belts should be 4 retrofitted at the four front seats on the upper deck of 5 all post-1997 licensed buses to prevent passengers from 6 falling out from the upper deck front seats. At 7 present, the seat belts for all the exposed seats have 8 become a standard feature of all franchised buses." 9 It was in this context that the working group was 10 considering whether to implement the installation of 11 seat belts to all seats on franchised buses. 12 If I may take you to a few minutes of the meeting in 13 relation to this working group. This working group is 14 divided also into subgroups, which I am going to take 15 you to some of the meetings. 16 The reason I am asking you this -- 17 CHAIRMAN: Before you move on -- Chief Superintendent, or 18 any of your colleagues, are any of you aware of whether 19 or not at this stage, when -- I think this is something 20 like 2008, in consequence of the 2006 and 2007 bus 21 accidents -- seat belts were fitted in vulnerable seats, 22 exposed seats -- I think the best example is the front 23 of the bus on the road to Stanley, where they put a bar 24 across the front of the bus and they put seat belts on 25 the front seats. There are other vulnerable seats where</p>
<p style="text-align: right;">Page 38</p> <p>1 companies, and they are listed as a footnote. 2 ... and bus manufacturers in mid-March 2018 [that's 3 13 March] to review the technical feasibility and 4 desirability of installing some new safety devices or 5 applying new technology on the safety devices of 6 franchised buses for enhancing protection to bus 7 passengers." 8 Yes. Thank you. 9 MS MAGGIE WONG: Yes. So the police is not one of the 10 members consulted or one of the members of this working 11 group. But, in that regard, I wish to ask you something 12 about the installation of seat belts, and invite your 13 comments on this. 14 We see, in this paper, at paragraph 5, we saw the 15 issue of installation of seat belts as one of the 16 matters discussed in this working group. 17 CHAIRMAN: Perhaps you would read this paragraph out, to set 18 the context for the chief superintendent. 19 MS MAGGIE WONG: Yes. If we read paragraph 5: 20 "In the light of an accident in July 2006 in which 21 a KMB bus collided with another vehicle resulting in 22 a passenger on the upper deck of the bus being thrown 23 out of the bus and another similar accident in December 24 2007 in which a bus of Citybus ... collided with another 25 bus of New World First Bus ... in Tseung Kwan O</p>	<p style="text-align: right;">Page 40</p> <p>1 people have nothing in front of them where there are 2 seat belts. 3 The question that I would pose generally is: are any 4 of you aware of whether or not the police were consulted 5 when these recommendations were being formulated? Maybe 6 you don't, but if you are, please share your experience 7 with us. 8 MR STEPHEN BAKER: I am not aware of that, sir. 9 CHAIRMAN: None of your colleagues? 10 Well, Chief Superintendent, perhaps you could make 11 enquiries as to whether or not the police were 12 consulted. This was the subject of debate in LegCo, and 13 one would have expected, in something like this, given 14 the police involvement in their investigation of 15 accidents, that the input of the police would have been 16 sought. 17 Do you have the references of the other material 18 that would help the chief superintendent narrow this 19 down? 20 MS MAGGIE WONG: Yes. 21 May I take you to, first of all, the end result of 22 this working group, and then I will work backwards to 23 the minutes of the meeting. 24 If I may take you to TD-1, page 403 to 426. This 25 was a LegCo paper submitted by the Transport Department</p>

Page 41	Page 43
<p>1 in July 2018 for discussion on 25 July 2018, basically                  2 summarising the recommendations of the working group.                  3 If we could go to page 407, at the bottom, it starts                  4 with --                  5 CHAIRMAN: I think, to give the chief superintendent                  6 a context, let's go to the first page. This is a paper                  7 prepared by the Transport Department, Transport and                  8 Housing Bureau, for discussion at a meeting on 25 July                  9 of this year of the Transport Panel of the Legislative                  10 Council; is that right?                  11 MS MAGGIE WONG: Yes, Chairman.                  12 If we go to paragraph 10 at page 407, we can see                  13 some of the recommendations set out there, and setting                  14 out the position.                  15 CHAIRMAN: Before we get there, perhaps we could start at                  16 page 403. This is the background.                  17 MS MAGGIE WONG: Yes.                  18 CHAIRMAN: Perhaps you would be kind enough to read out                  19 paragraph 2.                  20 MS MAGGIE WONG: Yes.                  21 Mr Baker, paragraph 2 reads as follows:                  22 "Following a fatal traffic accident involving                  23 a franchised bus of the Kowloon Motor Bus ... at                  24 Tai Po Road on 10 February 2018, the Transport                  25 Department ... set up in mid-March 2018 a Working Group</p>	<p>1 passengers from falling out from the seats.                  2 11. As confirmed with the bus manufacturers, it is                  3 technically feasible to supply all new buses with seat                  4 belts for all passenger seats conforming to ...                  5 international standards. In this regard, all FB                  6 operators have agreed that all passenger seats of all                  7 new buses ordered from July 2018 onwards will be                  8 installed with seat belts."                  9 In relation to paragraph 12, it talks about the                  10 retrofitting of seat belts on all passenger seats of                  11 existing buses, and if we drop a few lines to line 6:                  12 "In practice, retrofitting seat belts on passenger                  13 seats, in particular those on the lower deck, will                  14 involve substantial modification and reinforcement of                  15 the bus chassis, including reinforcement of the                  16 structure of the franchised buses, addition of support                  17 mountings, replacement of all seats by those with seat                  18 belts, as well as passing the pull tests of the seat                  19 belts and seats to confirm their compliance with the                  20 international standards ... Considering the above, the                  21 bus manufacturers have advised that it is technically                  22 impracticable, if not infeasible, to retrofit seat belts                  23 on all passenger seats of both upper and lower decks.                  24 13. However, it should be more feasible to retrofit                  25 seat belts on all passenger seats of the upper deck only</p>
Page 42	Page 44
<p>1 on the Enhancement of Safety of Franchised Buses ...,                  2 which comprises members from all FB operators and the                  3 major bus manufacturers, to consider and study possible                  4 measures to further enhance bus safety. The scope of                  5 work of the working group covers the following major                  6 areas:                  7 (a) to explore the technical feasibility,                  8 applicability and cost-effectiveness of, and any other                  9 issues relating to the installation of in-vehicle safety                  10 devices/technologies and seat belts on all seats of                  11 franchised buses; and                  12 (b) to review the training arrangements adopted by                  13 the FB operators."                  14 Over the page:                  15 "So far, the working group has held three meetings                  16 since ... 2018; the technical group under the working                  17 group has also met five times. The findings and                  18 recommendations of the working group are set out in the                  19 ensuing paragraphs."                  20 Amongst other matters, on in-vehicle safety devices,                  21 which starts at paragraph 4, may I invite you to go to                  22 page 407, in relation to installation of seat belts on                  23 passenger seats. Paragraph 10 sums up the position:                  24 "At present, all the exposed seats on franchised                  25 buses are installed with seat belts to prevent</p>	<p>1 in some vehicle models of the existing double-deck                  2 fleet."                  3 At paragraph 14:                  4 "... the working group considers that time and                  5 manpower resources are critical. The bus manufacturers                  6 do not have the required labour and workshop                  7 facilities ... to conduct the retrofit work."                  8 If we look through, ultimately, at the bottom:                  9 "Some bus operators have expressed concerns that the                  10 retrofitting of seat belts would not only incur                  11 significant financial implication, but also considerable                  12 time and manpower resources, not to mention the need to                  13 re-deploy or procure additional buses to maintain the                  14 existing bus service level during the whole process."                  15 If we look at paragraph 16, the working group has                  16 arrived at the following recommendations.                  17 CHAIRMAN: Before you get to the recommendations, perhaps we                  18 could go through such review as appears to have been                  19 taken of overseas practices.                  20 MS MAGGIE WONG: Yes. If we continue to look at                  21 paragraph 15:                  22 "The working group has reviewed the prevailing                  23 overseas practices or requirements on the installation                  24 and wearing of seat belts on buses. Currently, for                  25 inter-cities or cross-[border] routes, some overseas</p>

Page 45	Page 47
<p>1 jurisdictions (for example United States, United Kingdom 2 and Netherlands) have mandated the provision of seat 3 belts for all passenger seats, while others (for example 4 UK, Netherlands, and Australia (Victoria)) have imposed 5 mandatory requirement of wearing seat belts. 6 Nevertheless, for buses serving urban routes buses or 7 buses allowed to carry standing passengers, none of the 8 overseas jurisdictions that the working group has 9 reviewed thus far have statutory requirements for the 10 provision of seat belts on passenger seats. According 11 to the transport authorities of those jurisdictions, the 12 urban buses are typically used for short journeys, in 13 terms of both time and distance, and undertaken at 14 moderate speeds on urban routes. Thus, no seat belt 15 requirement at passenger seats on these urban [routes] 16 has been imposed." 17 It also contained a summary of the findings at 18 annex B, but -- 19 CHAIRMAN: Perhaps we could turn to that. That's at 20 page 415. 21 MS MAGGIE WONG: Yes. 22 CHAIRMAN: You will see the range of countries that are 23 encompassed in this statement, that in none of these 24 jurisdictions are seat belts required for urban bus 25 routes or where buses carry standing passengers.</p>	<p>1 that's relevant to the time in which a passenger has to 2 put a seat belt on and his assessment of whether or not 3 it is worth doing. 4 You have been invited to indicate whether or not you 5 have any view. Do you have any view? 6 MR STEPHEN BAKER: I do, sir. From a police and road safety 7 perspective, the police believe that seat belts save 8 lives. If we are to look at the Transport Department 9 web page, it states that wearing a seat belt can reduce 10 the chance of death or serious injury by about a half, 11 and it also says that seat belts are very effective at 12 reducing the effects of traffic accidents occurring at 13 quite low speeds. 14 Now, speaking purely from a road safety perspective, 15 we would encourage the use of seat belts as widely as 16 possible. 17 I would also like to observe that public light buses 18 are fitted with seat belts. 19 CHAIRMAN: We have received evidence that suggests that they 20 are to be categorised differently from franchised buses. 21 Broadly speaking, the difference suggested is those that 22 wish to go racing to their destination get on a PLB; 23 those who are more content to arrive alive go on 24 a franchised bus. 25 Are you aware of the circumstances in which seat</p>
Page 46	Page 48
<p>1 MS MAGGIE WONG: So, Mr Baker, before I go to the 2 recommendations, the findings from the overseas 3 practices seem to suggest there is no point of having 4 seat belts installed where there are standing 5 passengers, because you can't give seat belts to 6 standing passengers, and those are the people that are 7 prone to injuries when there is a sudden braking or 8 sudden stopping, in those type of injuries. That's the 9 first point. 10 The second point is, in terms of urban routes, where 11 the travel speed is generally within acceptable range, 12 so it appears it is not as dangerous as highways, 13 expressways or cross-border routes where generally you 14 have a higher speed limit, to the tune of 70km per hour 15 or above. 16 What is your comment in relation to the usefulness 17 or effectiveness of seat belts on urban buses that run 18 urban routes? 19 CHAIRMAN: I think, before the chief superintendent is 20 invited to respond to such a general question, there is 21 a third factor that is identified in paragraph 15, and 22 it is this. It is not only that typically, as one would 23 expect, in an urban bus route, the speeds are more 24 moderate, but also these involve short journeys, both in 25 terms of time and distance. That of course is a factor</p>	<p>1 belts were mandated for PLBs? 2 MR STEPHEN BAKER: No, sir. 3 MS MAGGIE WONG: Before I go on, in relation to this PLB 4 situation, I think that was a topic covered in the Audit 5 Commission report, review, in that paper, as to the 6 situation of seat belts worn by PLB passengers. 7 CHAIRMAN: Before you get involved in that detail, in view 8 of your answer -- a statement that is clearly generally 9 accepted worldwide -- that seat belts save lives, 10 nevertheless, in the safety-conscious jurisdictions 11 listed in annex B, the United Kingdom, Netherlands, 12 Australia in the state of Victoria, New Zealand, Canada, 13 Singapore, none of them have found it appropriate to 14 require them to be installed on urban buses. 15 With that as a background, what view, if any, do you 16 have about not only their provision on franchised buses, 17 mandated provision -- what view do you have about the 18 requirement, if it was decided to have one, that they be 19 worn, and then the issue that arises of enforceability? 20 MR STEPHEN BAKER: I think that passengers should have 21 an option to enable them to travel as safely as 22 possible, that if seat belts are not fitted then that 23 option is denied, and that as to the enforcement aspect, 24 it can be seen from personal experience that most people 25 don't use seat belts on public light buses, and we can</p>

Page 49	Page 51
<p>1 expect the same thing on franchised buses, for the 2 reasons that have been discussed: convenience, short 3 journeys, things like that. 4 So enforcement will be an issue, and I don't think 5 the police would be able to regularly enforce such 6 regulations, if they existed. But at the moment they do 7 not for franchised buses. 8 CHAIRMAN: But they do for PLBs. 9 MR STEPHEN BAKER: They do, sir, yes. 10 CHAIRMAN: And what is the ease with which that is enforced 11 or the difficulty? 12 MR STEPHEN BAKER: It is difficult to enforce, and it is not 13 enforced regularly. I would say it is enforced 14 occasionally, when officers decide to take enforcement 15 as a road safety issue. There is always more than one 16 aspect to road safety -- publicity -- but it is also 17 coupled with enforcement from time to time. 18 CHAIRMAN: Am I right in -- forgive me, you were going to 19 carry on. 20 MR STEPHEN BAKER: I was going to add that we hope that 21 people won't obey the law only because they feel they 22 might be prosecuted for it, for not following the law. 23 Yes. 24 CHAIRMAN: It took a long time to persuade people when they 25 had a choice that they should wear seat belts in cars.</p>	<p>1 MS MAGGIE WONG: Whether they have conducted analysis on 2 standing passengers, of the number of standing 3 passengers that are injured as a result of accidents due 4 to lack of seat belts, or have you conducted any 5 analysis in terms of comparisons of passengers losing 6 balance, in percentage, as to whether they are 7 attributable to the lack of seat belts? 8 CHAIRMAN: By its nature, a standee cannot be provided with 9 a seat belt. 10 MS MAGGIE WONG: Yes. 11 So, in that regard, would you have statistics or 12 figures? 13 MR STEPHEN BAKER: We do not. 14 MS MAGGIE WONG: Mr Chairman, I see the time. 15 CHAIRMAN: Perhaps the real question would be this, the more 16 useful one: do you have any statistics about people who 17 are injured while seated on a bus, not wearing a seat 18 belt? The bus company figures suggest that that number 19 of passengers is very low, 1 per cent of the injuries, 20 something like that, 1 to 2 per cent. Do the police 21 have any such figures? 22 MR STEPHEN BAKER: I am not aware of any statistics, but 23 I can search later, if you would wish me to. 24 CHAIRMAN: This would perhaps be most obvious, and I think 25 unfortunately recently there has been an accident like</p>
Page 50	Page 52
<p>1 MR STEPHEN BAKER: Yes, sir. But going back to my earlier 2 comment, in our view, it is better if people have the 3 option to improve their own road safety, as a matter of 4 choice. 5 CHAIRMAN: Thank you. 6 MEMBER AUYEUNG: Just a quick question on the seat belt. 7 Using the experience you have on the PLB, how successful 8 has the police force been on enforcement? 9 MR STEPHEN BAKER: I don't have enforcement figures, but, 10 like I say, I would hope that people would follow the 11 law because it was good for them rather than because 12 they would be prosecuted if they didn't. 13 CHAIRMAN: But, as you said earlier, most people don't wear 14 them on PLBs, enforcement is difficult, and one can see 15 why, and you would expect that same trend to obtain with 16 buses? 17 MR STEPHEN BAKER: I would, sir, yes. 18 MS MAGGIE WONG: Thank you. Maybe just to wrap this up 19 before we break -- in general, you make a general 20 statement that seat belts save lives. I am asking from 21 the perspective of cost/benefit analysis. Does the 22 police have any empirical data or analysis as to the 23 accuracy of the statement that you made, in the context 24 of urban buses with standees? 25 CHAIRMAN: I'm sorry, I don't understand that question.</p>	<p>1 this, where somebody sitting in a vulnerable seat is 2 projected out of that seat and impacts on something hard 3 and either a serious or I think in this case a fatal 4 injury incurs, so that would give rise to an opportunity 5 for someone, if there was a template that said, "Seat 6 belt not worn but would likely have been beneficial", in 7 the general way that seat belts are. So perhaps you 8 could see if there has been any attempt at analysing 9 that. 10 MR STEPHEN BAKER: I will do, sir. 11 CHAIRMAN: Thank you. 12 Ms Wong. 13 MS MAGGIE WONG: Thank you, Mr Baker. If I may go through 14 the recommendations before we break. 15 In paragraph 16 of the TD Paper at page 409, the 16 working group arrived at the following recommendations: 17 "(a) seat belts should be provided for all seats in 18 future procurement of new buses; and 19 (b) subject to further assessment on the technical, 20 operational and financial feasibility, consideration may 21 be given to retrofitting all seats in the upper deck 22 with seat belts on buses deployed for specific bus 23 routes, ie long-haul routes which are operated via 24 expressways with relatively fewer bus stops." 25 But the Transport Department will require the</p>

Page 53	Page 55
<p>1 franchised bus operators to explore in more details in 2 conjunction with the bus manufacturers on this aspect. 3 So the suggestion or recommendation is for all new 4 buses that would be fitted with seats, but for existing 5 buses, they would only be retrofitted subject to 6 financial considerations, and even so, it would only be 7 supplied to limited seats on the upper deck -- sorry, 8 upper deck, with seat belts on specific bus routes, like 9 long-haul routes with fewer stops, and on highways. 10 Do you have any comments in relation to the 11 recommendations? 12 MR STEPHEN BAKER: I think the recommendations are positive, 13 but like I said, from the point of view of road safety, 14 we would encourage the use of seat belts as widely as 15 possible, although the recommendations are a step in the 16 right direction. 17 MS MAGGIE WONG: Thank you. 18 CHAIRMAN: Yes, Ms Wong. Is that a convenient moment? 19 MS MAGGIE WONG: Yes. Thank you. 20 CHAIRMAN: We are going to take a morning break for 21 20 minutes now, and we will resume in 20 minutes' time. 22 (11.33 am) 23 (A short adjournment) 24 (11.53 am) 25 CHAIRMAN: Yes, Ms Wong.</p>	<p>1 MS MAGGIE WONG: That would be Day 4. 2 CHAIRMAN: Day 4 in the Augustinian calendar? 3 MS MAGGIE WONG: Yes. 4 CHAIRMAN: What day of the month was this? 5 MS MAGGIE WONG: 30 May 2018. It is in TSCP-2A bundle. 6 CHAIRMAN: Thank you. 7 MS MAGGIE WONG: Thank you. 8 If you look at the top of the page, Mr William 9 Chung's evidence -- have you got that, Mr Baker? 10 MR STEPHEN BAKER: (Nodded head). 11 MS MAGGIE WONG: Mr William Chung said: 12 "In many bus stops, there is illegal parking, and 13 these vehicles are getting in the way of the buses, in 14 a way that they cannot pull up close to the kerb for 15 loading and unloading." 16 If we scroll down to line 16, when Mr Duncan asked, 17 "In what way?", Mr William Chung said: 18 "For instance, illegal parking would reduce the 19 width of the road when the buses drive past. Because of 20 the large size of the bus, it's likely to get into 21 problem, and if the passengers cannot get on and off on 22 the kerbside, there is a likelihood of them being hit by 23 vehicles or they may fall over." 24 In terms of the effectiveness of the enforcement, 25 Mr Duncan asked at line 23:</p>
Page 54	Page 56
<p>1 MS MAGGIE WONG: Just to wrap up the seat belt issue, may 2 I take you to one statement made by the Hong Kong Police 3 in your submission to the committee dated 7 May 2018. 4 That's in the miscellaneous bundle, page 124-1. 5 If we go over to page 124-2, at the top of the 6 paragraph, if you look at the three lines in 7 paragraph 3: 8 "The absence of seat belts in most franchised buses 9 and standing passengers may also contribute to 10 passengers sustaining injury and therefore causing 11 a reportable accident." 12 Can I just confirm, this is a generalised statement 13 rather than based on statistics, based on your answers 14 before the break; is that correct? 15 MR STEPHEN BAKER: Yes, it is. 16 MS MAGGIE WONG: Thank you. 17 Moving on to another topic, on illegal parking. We 18 have heard evidence from some of the franchised bus 19 operators that in relation to the enforcement actions 20 taken against illegal parking, especially at bus stops, 21 appears to be ineffective. 22 Can I take you to some of the evidence. That's 23 Mr William Chung of New World First Bus. That's in the 24 TSCP bundle, page 731. 25 CHAIRMAN: What day was this evidence?</p>	<p>1 "... has the company endeavoured to overcome this 2 problem?", and Mr William Chung said: 3 "We notified the Transport Department about the 4 black spots of illegal parking. We hope that these 5 sections, they will have 24-hour restricted zone. We 6 also notified the police to do enforcement work. 7 Mr Duncan: Has that eradicated the problem? 8 Mr William Chung: It doesn't help much." 9 And the chairman also raised this question: 10 "Did it result in any action?" 11 Mr William Chung: The police would take action, but 12 as soon as the police back is turned, then the illegal 13 parking problem would recur. Say, for instance, in 14 Causeway Bay, Yee Wo Street, near SOGO, outside SOGO, in 15 fact, this is a problem that occurs very often." 16 We also have evidence from trade unions; they 17 complain that it took a very long time to communicate 18 with the police in relation to the illegal parking 19 problem. 20 May I ask, first of all, is illegal parking 21 a problem that the police was aware of throughout the 22 years -- 23 CHAIRMAN: Specifically illegal parking in and around bus 24 stops or -- 25 MS MAGGIE WONG: In and around bus stops.</p>

<p>Page 57</p> <p>1 MR STEPHEN BAKER: Yes, it is a problem the police have been                  2 aware of. In fact, in 2017 we issued 4,510 prosecutions                  3 against people who parked their vehicles or stopped                  4 their vehicles in a bus stop.                  5 I'm sorry, can you elaborate your question again,                  6 please.                  7 CHAIRMAN: Is that a fixed penalty ticket?                  8 MR STEPHEN BAKER: Yes. It's what we call a Pol. 570, which                  9 is a fixed penalty ticket.                  10 CHAIRMAN: What does that cost the miscreant; \$320, in 2017?                  11 MR STEPHEN BAKER: \$450.                  12 CHAIRMAN: Now.                  13 MR STEPHEN BAKER: Yes.                  14 CHAIRMAN: But then?                  15 MR STEPHEN BAKER: Also then.                  16 So, yes, we are aware of illegal parking problems                  17 and the difficulties caused by persons who stop their                  18 vehicles in unauthorised places.                  19 CHAIRMAN: Do any difficulties arise with enforcement                  20 because of the level of the penalty?                  21 MR STEPHEN BAKER: I believe the penalty hasn't been                  22 increased for many years, and so it has less of                  23 a deterrent effect than it used to have.                  24 CHAIRMAN: As I remember it -- correct me if I am wrong --                  25 the submission that the police made was that in order to</p>	<p>Page 59</p> <p>1 priorities at any particular time. For example, the                  2 public are complaining about vehicle obstruction and                  3 illegal parking at many places, including places where                  4 it causes traffic jams, whilst we have increased our                  5 enforcement against illegal parking and vehicle                  6 obstruction related offences, from the top of my head,                  7 by about 40 per cent in the last year.                  8 I would also say that approximately 30 per cent of                  9 the calls received by frontline officers are related to                  10 vehicle obstruction or illegal parking. So the police                  11 have made, and are making, their best efforts against                  12 illegal parking and vehicle obstruction.                  13 If Ms Yau could add a point as well.                  14 CHAIRMAN: Yes, please do, Chief Superintendent.                  15 MS YAU SIN MAN: (Via interpreter) Apart from stepping up                  16 law enforcement, we also do something in terms of public                  17 education. In 2018, in our police call programme, we                  18 particularly raised the issue of illegal parking at bus                  19 stops, to alert the public.                  20 CHAIRMAN: Thank you.                  21 MS MAGGIE WONG: Thank you.                  22 We have seen from the recent news reports that the                  23 police, since 1 August this year, have launched                  24 a six-month crack-down on vehicles in congested black                  25 spots, and they include problems brought on by loading</p>
<p>Page 58</p> <p>1 keep up with inflation, the then \$320 ticket should be                  2 \$800 or thereabouts. Is my memory more or less correct?                  3 MR STEPHEN BAKER: It is, sir, yes.                  4 CHAIRMAN: And the resulting penalty that was agreed upon by                  5 government was \$450?                  6 MR STEPHEN BAKER: That's correct, sir, yes.                  7 CHAIRMAN: Yes, Ms Wong.                  8 MS MAGGIE WONG: And the complaints -- we have heard                  9 complaints from the trade unions. I'm going to refer                  10 you to some extracts. But the main complaint is -- they                  11 complained the police have failed to enforce the law in                  12 relation to the illegal parking near bus stops, and that                  13 has been a recurring problem.                  14 They also raised questions about the lack of                  15 manpower that the police put in tackling or taking                  16 enforcement action against illegal parking.                  17 They also stated that, since 2017, although the                  18 police figures suggest they have stepped up enforcement,                  19 they don't see any significant improvement.                  20 In relation to this aspect, about failing to enforce                  21 the law, what do you say or what is your response to                  22 that suggestion?                  23 MR STEPHEN BAKER: Well, we enforce the law to the best of                  24 our ability. Taking enforcement action at bus stops,                  25 whilst it is important, may not be the greatest of our</p>	<p>Page 60</p> <p>1 and unloading goods in restricted zones, private cars                  2 halting in areas meant for stop by buses, minibuses and                  3 taxis, illegal entries into box junctions and                  4 inappropriate U turns.                  5 It is stated that in order to step up the measures,                  6 these five offences now carry a fine of \$400, while                  7 picking up or setting down passengers in restricted                  8 areas carries a max penalty of \$560.                  9 May I ask this question. About the selection of                  10 these black spots, on what basis did the police choose                  11 these black spots?                  12 MR STEPHEN BAKER: The police have the ability, through                  13 their case management information system, to identify                  14 the locations where the greatest number of traffic                  15 complaints are received. That's one factor.                  16 Another factor is complaints made directly to the                  17 police station made by members of the public, either by                  18 telephone or by letter. And so, at a local level, it is                  19 possible for frontline commanders to identify the                  20 congestion black spots, and to share that information                  21 with their regional command and with the headquarters                  22 command.                  23 MS MAGGIE WONG: So, following your answers, would some of                  24 these complaints come from trade unions or franchised                  25 bus operators?</p>

Page 61	Page 63
<p>1 MR STEPHEN BAKER: We have a mechanism for liaison with 2 trade unions and with the franchised bus companies, but 3 I would say that the greater part if not almost the 4 whole part is based on the statistics of complaint from 5 the public, with additional input from the bus companies 6 and the unions.</p> <p>7 MS MAGGIE WONG: The news report mentioned about the 8 trial -- it is a trial run -- it will roll out cameras 9 with a city-wide two-month pilot, in Kowloon East and 10 New Territories North, between December last year and 11 January, and it stated that the initial scheme had been 12 satisfactory, with \$540 fixed penalty tickets.</p> <p>13 About the installation of cameras, where would you 14 normally install these cameras?</p> <p>15 MR STEPHEN BAKER: The pilot scheme that you have referred 16 to, which was conducted in December last year and 17 January this year, involved the use of officers using 18 a Handycam rather than a fixed-site camera.</p> <p>19 CHAIRMAN: Isn't that an expensive way of enforcing traffic 20 infractions, manpower?</p> <p>21 MR STEPHEN BAKER: We began the trial in an effort to reduce 22 the amount of manpower that was used to enforce these 23 kinds of offences. The trial focused on moving-traffic 24 offences which caused vehicle obstruction, for example, 25 setting down passengers or goods in restricted zones.</p>	<p>1 CHAIRMAN: Without men being involved is what I'm 2 suggesting.</p> <p>3 MR STEPHEN BAKER: I see.</p> <p>4 CHAIRMAN: Automatic cameras.</p> <p>5 MR STEPHEN BAKER: That is something that we are looking at 6 in the longer term.</p> <p>7 CHAIRMAN: That is something that is used widely in London, 8 is it not?</p> <p>9 MR STEPHEN BAKER: It is, sir, yes.</p> <p>10 CHAIRMAN: And it's used elsewhere -- Singapore?</p> <p>11 MR STEPHEN BAKER: Yes, it is, sir.</p> <p>12 CHAIRMAN: Why are we not using it here?</p> <p>13 MR STEPHEN BAKER: I would say that was a policy issue, sir, 14 that is now being addressed.</p> <p>15 CHAIRMAN: Is it a question of funding being made available?</p> <p>16 MR STEPHEN BAKER: I don't think it's a matter of funding, 17 but it is a matter of policy support.</p> <p>18 CHAIRMAN: Can I come back to my first question which is 19 this: using policemen, the man himself, the police 20 officer, to enforce traffic violations, is expensive, is 21 it not, compared with technology?</p> <p>22 MR STEPHEN BAKER: It is, sir, yes.</p> <p>23 MS MAGGIE WONG: Has thought been given to installing 24 cameras or CCTV on the bus stop or location near the bus 25 stop?</p>
Page 62	Page 64
<p>1 Normally, to enforce this kind of offence, take this 2 kind of enforcement action, the officer would have to 3 intercept the vehicle at the scene or, as is what very 4 often happens, the vehicle drives away then officers 5 would mount a pre-planned snap-check or roadblock 6 nearby, or an officer on a motorcycle would follow the 7 vehicle and stop the vehicle. Therefore, because of 8 this requirement, this necessity, more manpower would be 9 required for this kind of operation.</p> <p>10 The aim of the pilot and the subsequent trial is to 11 enable two officers, one using the video camera, the 12 other making notes of what he saw, to take enforcement 13 action without intercepting the vehicle, and therefore 14 the manpower requirement for the interception, either by 15 following the vehicle on a motorcycle or by arranging 16 a roadblock nearby, is done away with.</p> <p>17 So it was an attempt to increase the efficiency of 18 the enforcement.</p> <p>19 CHAIRMAN: Has thought been given to just using cameras, 20 taking the man on his motorbike out of it, the camera 21 captures the infraction, it has the number plate, it has 22 the location, it has the length of time that the vehicle 23 has been breaking the law; you then track the registered 24 owner from the number on the car?</p> <p>25 MR STEPHEN BAKER: That's what the trial is doing, sir, yes.</p>	<p>1 MR STEPHEN BAKER: Perhaps I could ask Ms Yau to answer 2 these questions.</p> <p>3 CHAIRMAN: Certainly. Chief Superintendent.</p> <p>4 MS YAU SIN MAN: (Via interpreter) The use of CCTV at bus 5 stops, for the purpose of law enforcement, is being 6 tried out in a pilot. This is something from the 7 Development Bureau and the Transport and Housing Bureau. 8 This is under the Energising Kowloon East Office of the 9 Development Bureau. They have a conceptual pilot. In 10 Kowloon East, some fixed cameras are installed there. 11 In the first phase, the cameras would target moving 12 offences, vehicles in motion. The second phase would be 13 on illegal parking cases.</p> <p>14 This is ongoing. In August, we issued the tenders. 15 In the coming 24 months, we would look into how this 16 might take the place of enforcement by officers. If it 17 proves to be a mature technology, then the police will 18 further consider how the findings can be adopted by the 19 police to take the place of enforcement by officers 20 physically.</p> <p>21 CHAIRMAN: This is a mature technology. It is used widely 22 in major cities. There is nothing immature about it.</p> <p>23 MS YAU SIN MAN: (Via interpreter) Currently, we are trying 24 to get the computer to use video analytics to take the 25 image of a vehicle and how it constitutes illegal</p>



Page 65	Page 67
<p>1 parking.</p> <p>2 I would also like to add that in relation to laws</p> <p>3 against illegal parking, we are required to give the</p> <p>4 fixed penalty ticket to the driver or attach it to the</p> <p>5 screen, windscreen, of the vehicle, there and then. If</p> <p>6 we use electronic ticketing or use CCTV image and then</p> <p>7 issue a ticket, under current legislation, we are unable</p> <p>8 to do it.</p> <p>9 CHAIRMAN: You can't issue the ticket to the registered</p> <p>10 driver by using a camera to identify the number plate</p> <p>11 and then match it with the registered driver's</p> <p>12 particulars?</p> <p>13 MS YAU SIN MAN: (Via interpreter) If it is, for illegal</p> <p>14 parking, that cannot be done. However, with regard to</p> <p>15 driving offences, yes, that can be done.</p> <p>16 CHAIRMAN: What is required for illegal parking; that</p> <p>17 a ticket be put on the car itself?</p> <p>18 MS YAU SIN MAN: (Via interpreter) Yes, the front of the</p> <p>19 car, or give it to the driver.</p> <p>20 CHAIRMAN: Well, that needs to change, doesn't it, in order</p> <p>21 to catch up with technology that's been available for</p> <p>22 ten years?</p> <p>23 MS YAU SIN MAN: (Via interpreter) We are aware that the THB</p> <p>24 has started work in legislative amendments.</p> <p>25 CHAIRMAN: It's a lot easier to amend legislation by</p>	<p>1 Legislative Council Panel on Security, Law Enforcement</p> <p>2 Against Moving Traffic Offences, in April 2018.</p> <p>3 It is a paper compiled by the Transport and Housing</p> <p>4 Bureau, Security Bureau and Hong Kong Police Force. The</p> <p>5 heading is, "Legislative Council Panel on Security, Law</p> <p>6 Enforcement Against Moving Traffic Offences".</p> <p>7 CHAIRMAN: Is there a reference in the bundle to this</p> <p>8 material?</p> <p>9 MS MAGGIE WONG: No, Mr Chairman. This is newly added this</p> <p>10 morning.</p> <p>11 We can see at paragraph 2, "Background":</p> <p>12 "The police have been fulfilling their duties to</p> <p>13 safeguard the safety of the public through different</p> <p>14 means. One of the police's operational priorities is to</p> <p>15 ensure road safety and reduce traffic accidents."</p> <p>16 Then, jumping a few lines:</p> <p>17 "The police have been adopting a multipronged</p> <p>18 approach to promote road safety, combat moving traffic</p> <p>19 offences, and launch publicity activities and educate</p> <p>20 the public and drivers to comply with road [safety]</p> <p>21 regulations."</p> <p>22 If we go to paragraph 7, it is in this context that</p> <p>23 there were suggestions about law enforcement action</p> <p>24 against the moving traffic offences. We can see the use</p> <p>25 of technology -- it is stated there:</p>
Page 66	Page 68
<p>1 deleting things.</p> <p>2 Yes, Ms Wong.</p> <p>3 MS MAGGIE WONG: Yes. About this conceptual scheme, can you</p> <p>4 tell us when did you have this idea with the Development</p> <p>5 Bureau, in developing this technology? When was that?</p> <p>6 MS YAU SIN MAN: (Via interpreter) In April 2017, the</p> <p>7 police, under Energising Kowloon East Office, was</p> <p>8 invited to give comment. Our view was to tell the</p> <p>9 contractor as to what constitutes a traffic offence.</p> <p>10 MS MAGGIE WONG: Do you have minutes of the meeting in</p> <p>11 relation to the development of the scheme with the</p> <p>12 Development Bureau?</p> <p>13 MS YAU SIN MAN: (Via interpreter) There may be some</p> <p>14 material, but I have to go back to find it.</p> <p>15 MS MAGGIE WONG: Would you be happy to provide us if you can</p> <p>16 find it?</p> <p>17 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>18 MS MAGGIE WONG: In relation to this point, I understand</p> <p>19 that the police have been using automatic number plate</p> <p>20 recognition system, that is ANPR, since 2015; is that</p> <p>21 correct?</p> <p>22 MS YAU SIN MAN: (Via interpreter) I can't recall the year,</p> <p>23 but yes, we have been using it.</p> <p>24 MS MAGGIE WONG: I think it is stated in one of the LegCo</p> <p>25 papers, a recent LegCo paper, placed before the</p>	<p>1 "At present, there are 195 red light cameras and 24</p> <p>2 speed enforcement cameras operating at 130 camera</p> <p>3 housing locations across the territory. Evidence</p> <p>4 collected from the cameras allows the police to</p> <p>5 subsequently identify the concerned vehicles and</p> <p>6 initiate prosecution without the need to intercept</p> <p>7 an offending vehicle, thereby effectively improving road</p> <p>8 safety. The police have been using the automatic number</p> <p>9 plate recognition ... system since 2015. The system</p> <p>10 enables traffic enforcement officers to detect relevant</p> <p>11 traffic contraventions, including those involving</p> <p>12 expired vehicle licences, registered vehicle owners</p> <p>13 driving while disqualified or having traffic arrest</p> <p>14 warrants."</p> <p>15 May I ask about this automatic number plate</p> <p>16 recognition system. It appears this is a system also</p> <p>17 originating from London or England; is that correct?</p> <p>18 MR STEPHEN BAKER: Could I help with this part of the</p> <p>19 question --</p> <p>20 MS MAGGIE WONG: Yes, thank you.</p> <p>21 MR STEPHEN BAKER: -- the ANPR part.</p> <p>22 A trial was conducted on the use of automatic number</p> <p>23 plate recognition, beginning in 2013, and it was</p> <p>24 conducted on a very limited basis. It involved</p> <p>25 a roadside-mounted camera, which was linked to data</p>

Page 69	Page 71
<p>1 provided by the Transport Department concerning vehicles 2 that were registered to persons who had an outstanding 3 traffic arrest warrant. This enabled the officers using 4 the equipment to identify such vehicles, and the vehicle 5 would then be intercepted either at a roadblock or by 6 following the offender's vehicle on a motorcycle, in 7 order that prosecution action would be taken. 8 So it was used in that very limited context, as 9 a trial. 10 Steps are now being taken to widen the use of 11 automatic number plate recognition, and to widen the 12 number of offences that can be linked to the database 13 which is provided by the Transport Department. 14 We are in the process of identifying equipment which 15 can be placed inside police vehicles, selected police 16 vehicles, which can patrol on the highways, and surface 17 such vehicles linked to persons wanted for criminal 18 offences, vehicles that are wanted, vehicles that are 19 registered to persons who have an outstanding traffic 20 warrant. 21 That is the limited context in which ANPR has been 22 used and is intended to be used. So it is a little 23 bit -- the context of paragraph 7 doesn't give 24 an accurate picture of what is going on. 25 CHAIRMAN: So it is limited to trying to detect people who</p>	<p>1 in Hong Kong is not simply a police matter. It involves 2 other government departments and policy-level decisions. 3 CHAIRMAN: Well, it obviously has data privacy connotations 4 as well. 5 MR STEPHEN BAKER: It does, sir, yes. 6 CHAIRMAN: Balanced against breaking the law. 7 MR STEPHEN BAKER: That's right, sir. 8 MS YAU SIN MAN: May I supplement a bit on the yellow-box 9 junction involvement? 10 (Via interpreter) In September 2015, the THB started 11 a study on yellow box enforcement camera system, and in 12 April 2016, because of lack of financial backing, the 13 study came to a stop. 14 CHAIRMAN: Who was providing the money? 15 MS YAU SIN MAN: (Via interpreter) The THB could not come up 16 with funding support. 17 CHAIRMAN: This is a matter dealt with in Chief 18 Superintendent Cadman's letter of August 2018, is it 19 not? 20 MS YAU SIN MAN: (Chinese words not interpreted). 21 CHAIRMAN: Could we have that on the screen? I don't have 22 the paginated bundle. 23 MS MAGGIE WONG: That would be 124-538 of the miscellaneous 24 bundle. 25 CHAIRMAN: The page number again?</p>
Page 70	Page 72
<p>1 are already wanted? 2 MR STEPHEN BAKER: That's right, sir. 3 CHAIRMAN: It is not aimed at detecting people who commit 4 moving offences generally? 5 MR STEPHEN BAKER: That's right, sir. 6 CHAIRMAN: Is there any reason why not the latter? 7 MR STEPHEN BAKER: There is another system which is used in 8 police vehicles, which can record using video people 9 committing traffic offences on the roads. But these 10 systems all involve police officers operating them. 11 They are not automated systems, which are envisaged at 12 some time in the future, as Ms Yau has said, using video 13 analytics, and so on and so forth. 14 CHAIRMAN: What about the use of the equivalent of what they 15 use in London at yellow-box junctions? 16 MR STEPHEN BAKER: That is also linked to video analytics. 17 CHAIRMAN: Yes. 18 MR STEPHEN BAKER: Which is something we don't have yet, 19 sir. 20 CHAIRMAN: But they have had it in London for ten years. 21 MR STEPHEN BAKER: I know, sir, yes. 22 CHAIRMAN: In fact, they have been so successful that 23 millions of pounds were raised in the penalties people 24 had to pay. 25 MR STEPHEN BAKER: Yes. The installation of such equipment</p>	<p>1 MS MAGGIE WONG: The letter starts at page 124-538. 2 And the paragraph Ms Yau mentioned is in paragraph 4 3 at page 124-539. 4 Maybe I will read that for the record. 5 CHAIRMAN: Yes, if you would. 6 MS MAGGIE WONG: In paragraph 4, you stated there: 7 "In respect of the yellow-box junction enforcement, 8 in September 2015 THB convened a study with police to 9 explore whether the yellow box enforcement camera system 10 is technically, financially and legally feasible in 11 Hong Kong. Since then, Hong Kong Police had tried to 12 identify suitable products that could fit the context of 13 Hong Kong. However, in April 2016 the study came to 14 a halt as there was no funding support to engage 15 a consultancy study. That said, the matter is now being 16 actively considered, along with other types of 17 enforcement cameras in the aforementioned 18 interdepartmental forum." 19 Now, Ms Yau, it stated there that the matter is now 20 being actively considered. What triggered a halt to an 21 active consideration of the matter? 22 CHAIRMAN: They ran out of money, I think we are being told, 23 or rather money was not forthcoming. I don't think 24 anyone has accused this government of running out of 25 money. It's the use of the money that's the issue, is</p>

Page 73	Page 75
<p>1 it not?</p> <p>2 MS YAU SIN MAN: (Via interpreter) In the THB, together with</p> <p>3 the police and the Transport Department, there are</p> <p>4 regular meetings, and we have presented many general</p> <p>5 plans on how to use technology to enforce the traffic</p> <p>6 laws, including yellow-box junction enforcement.</p> <p>7 CHAIRMAN: When was the scheme revived or at least</p> <p>8 consideration of reviving the scheme revived?</p> <p>9 MS YAU SIN MAN: (Via interpreter) In February 2018, we had</p> <p>10 some meetings on e-enforcement. The issue of</p> <p>11 e-enforcement was brought up for discussion.</p> <p>12 CHAIRMAN: E-enforcement is your shorthand for electronic</p> <p>13 enforcement of traffic violations?</p> <p>14 MS YAU SIN MAN: (Via interpreter) Correct.</p> <p>15 CHAIRMAN: You detect the malefactor, you identify him</p> <p>16 through the number plate to the registered owner, and</p> <p>17 you send him an e-ticket; is that it?</p> <p>18 MS YAU SIN MAN: (Via interpreter) Simply put, that's it.</p> <p>19 CHAIRMAN: And for how long have we been pursuing trying to</p> <p>20 do this?</p> <p>21 MS YAU SIN MAN: (Via interpreter) If we are talking about</p> <p>22 e-tickets, we started to raise this possibility in 2012.</p> <p>23 The meetings that we are now having are to tie in with</p> <p>24 the Smart City initiative of the government. We hope</p> <p>25 that in traffic law enforcement that more technology</p>	<p>1 it before or after. Whether it was on account of is</p> <p>2 another matter.</p> <p>3 MS YAU SIN MAN: (Via interpreter) The meeting was prepared</p> <p>4 before February.</p> <p>5 CHAIRMAN: Thank you.</p> <p>6 MS MAGGIE WONG: Now, you stated in that paragraph that it</p> <p>7 involved interdepartmental forum about these enforcement</p> <p>8 cameras. What are the departments concerned?</p> <p>9 MS YAU SIN MAN: (Via interpreter) The THB, the police and</p> <p>10 the Transport Department.</p> <p>11 MS MAGGIE WONG: So do I understand correctly that this</p> <p>12 yellow-box junction enforcement is now revived as</p> <p>13 a discussion in tackling the illegal parking problem?</p> <p>14 MS YAU SIN MAN: (Via interpreter) This is just a part of</p> <p>15 it. In the meeting, we talk about generally the</p> <p>16 adoption of technology to take the place of manpower in</p> <p>17 traffic law enforcement.</p> <p>18 MS MAGGIE WONG: What about the ANPR system? Has that been</p> <p>19 discussed as one of the systems that could be utilised</p> <p>20 to tackle illegal parking problem?</p> <p>21 MS YAU SIN MAN: (Via interpreter) Not particularly</p> <p>22 mentioned. ANPR was not particularly mentioned.</p> <p>23 MS MAGGIE WONG: We have heard some recommendations from the</p> <p>24 trade unions, bus companies, and some of the LegCo</p> <p>25 papers, making some recommendations as to how to tackle</p>
Page 74	Page 76
<p>1 should be adopted.</p> <p>2 CHAIRMAN: So we have taken six years and we are no further</p> <p>3 along the road; is that it?</p> <p>4 MS YAU SIN MAN: (Via interpreter) We are actively doing</p> <p>5 something about it.</p> <p>6 CHAIRMAN: Smart City, you say?</p> <p>7 MS YAU SIN MAN: (Via interpreter) The general traffic law</p> <p>8 enforcement will be considered in the context of the</p> <p>9 general direction adopted by the SAR government.</p> <p>10 CHAIRMAN: Yes, Ms Wong.</p> <p>11 MS MAGGIE WONG: Ms Yau, you mentioned that in February</p> <p>12 2018, you had some meetings on e-enforcement. What</p> <p>13 triggered this meeting to consider the issues of</p> <p>14 electronic enforcement?</p> <p>15 MS YAU SIN MAN: (Via interpreter) It is mainly because of</p> <p>16 the Smart City initiative formulated by the government,</p> <p>17 and that's why we had some meetings.</p> <p>18 MS MAGGIE WONG: Was this after the Tai Po accident on</p> <p>19 10 February 2018?</p> <p>20 MS YAU SIN MAN: (Via interpreter) No.</p> <p>21 MS MAGGIE WONG: So you are saying it was before, the</p> <p>22 meeting was held before?</p> <p>23 MS YAU SIN MAN: (Via interpreter) Well, we had the meeting</p> <p>24 with the THB, but it is not because of the accident.</p> <p>25 CHAIRMAN: That's a separate question. The question is was</p>	<p>1 this illegal parking problem.</p> <p>2 In summary, there are five recommendations. May</p> <p>3 I ask you about each one of them? The first is we have</p> <p>4 seen, in one of the answers given by William Chung of</p> <p>5 New World Citybus, that there be a 24-hour restriction</p> <p>6 zone. What is your view on this or what is the police</p> <p>7 department's view on this?</p> <p>8 CHAIRMAN: 24-hour restriction zone of what, where, for what</p> <p>9 purpose?</p> <p>10 MS MAGGIE WONG: 24-hour restriction zone in relation to</p> <p>11 year the bus stop, to tackle -- to identify the cars</p> <p>12 that have illegally parked near the bus station. That's</p> <p>13 what I understood William Chung's evidence to be.</p> <p>14 CHAIRMAN: That, in addition to the bus stop, there should</p> <p>15 be a zone before and after --</p> <p>16 MS MAGGIE WONG: Yes.</p> <p>17 CHAIRMAN: -- the bus stop, where parking was prohibited,</p> <p>18 24 hours a day?</p> <p>19 MS MAGGIE WONG: Yes.</p> <p>20 CHAIRMAN: Thank you.</p> <p>21 MS MAGGIE WONG: Thank you to the secretariat who have</p> <p>22 pulled up the screen the suggestions at the top:</p> <p>23 "We hope that [these black spots] of illegal parking</p> <p>24 these sections, they will have 24-hour restricted zone.</p> <p>25 We also notify the police to do enforcement work."</p>

Page 77	Page 79
<p>1 So it is in that context that I raise this 2 recommendation. So what is your view on this? 3 MS YAU SIN MAN: (Via interpreter) We believe that 24-hour 4 restricted zones can be helpful, but the setting of 5 restricted zone is under the ambit of the Transport 6 Department. We need their collaboration. 7 MS MAGGIE WONG: It mentioned here that they notified the 8 police to do this enforcement work. Do you have any 9 recollection that this 24-hour restricted zone has been 10 raised with the police by franchised bus operators? 11 MS YAU SIN MAN: (Via interpreter) It is not very clearly 12 raised in writing, according to my recollection. I may 13 have to check when I go back. 14 MS MAGGIE WONG: Do you have any recollection of this matter 15 ever being raised in your meetings with the Transport 16 Department? 17 MS YAU SIN MAN: (Via interpreter) In our meetings with 18 representatives of the Transport Department and 19 franchised bus operators, they did mention illegal 20 parking causing obstruction to bus operation, yes, it 21 was raised. 22 When we received the message from them, we also 23 disseminated the same to different police regions and 24 formations so that they could take necessary action. 25 MS MAGGIE WONG: The second suggestion they made is signage</p>	<p>1 understanding that you can't park your car in the middle 2 of a bus stop? Is that a problem or not? 3 MS YAU SIN MAN: (Via interpreter) I know the public know 4 that they cannot park their cars at any bus stop. But 5 they may think it is okay to stop for a short while. So 6 we need to do some public education. 7 CHAIRMAN: So the real issue is that they take a chance 8 about breaking the law? 9 MS YAU SIN MAN: (Chinese words not interpreted). 10 CHAIRMAN: And that's where enforcement is required, so the 11 chance becomes too expensive? 12 MS YAU SIN MAN: (Via interpreter) Certainly. 13 MS MAGGIE WONG: Now, the third recommendation they made is 14 having double yellow lines around the bus stop area. 15 CHAIRMAN: By that you mean the approach and the exit from 16 the bus stop? 17 MS MAGGIE WONG: Yes, correct, the approach and exit. 18 How do you find that suggestion? 19 MS YAU SIN MAN: (Via interpreter) This is just the same as 20 the previous recommendation. We believe it is useful. 21 No parking zone, it is good for preventing illegal 22 parking. But I think the Transport Department has to do 23 something about the road signs. 24 MS MAGGIE WONG: Has that been raised with the Transport 25 Department, as far as you know?</p>
Page 78	Page 80
<p>1 at bus stop, putting signage at bus stop, that that 2 section where the bus stop is is not allowed to have any 3 illegal parking. 4 We have seen some photographs in one of the 5 documents provided by Kowloon Motor Bus. That's at 6 bundle 12A, page 5174. It's actually from 5173 to 5174. 7 We can see, in Chinese characters, "Illegal parking 8 strictly prohibited" in the green box, we see in the 9 photo. 10 MS YAU SIN MAN: (Via interpreter) I have never seen this 11 sign previously. Actually, all signs on the road have 12 to be approved by the Transport Department. I don't 13 know whether this is something prepared by the bus 14 operator or it has been approved by the Transport 15 Department. 16 MS MAGGIE WONG: Leaving aside the permission question, can 17 you tell us whether that sort of signage posted at bus 18 stops would assist the enforcement or would assist 19 public's awareness of combatting the problem of illegal 20 parking? 21 MS YAU SIN MAN: (Via interpreter) Well, such signs 22 of course can be good reminders, but are they good 23 enough to prevent illegal parking? I don't know how 24 effective they are going to be. 25 CHAIRMAN: Is there any problem with ignorance, people not</p>	<p>1 MS YAU SIN MAN: (Via interpreter) But there is no record in 2 the Traffic Branch Headquarters that this was raised, 3 but the regions also have their own traffic formations 4 and they would liaise with the local Transport 5 Department officers on road signs, signage, and yellow 6 lines. They have discussions separately. 7 CHAIRMAN: Is it currently the practice to have double 8 yellow lines in the approach to a bus stop and the exit 9 from a bus stop or not? 10 MS YAU SIN MAN: (Via interpreter) Usually, you find that. 11 CHAIRMAN: So the issue really is one of enforcement, 12 because, again, everyone knows what a double yellow line 13 is? 14 MS YAU SIN MAN: (Via interpreter) That's right. 15 MS MAGGIE WONG: The fourth suggestion we have explored is 16 by deployment of technology such as CCTV and the video 17 cameras as you have mentioned earlier on. 18 The fifth recommendation is a suggestion that we may 19 consider the practice in Singapore of having cameras 20 installed next to the driver's seat, and all the driver 21 needs to do is to press the button whenever he saw there 22 is illegal parking. 23 CHAIRMAN: At a bus stop? 24 MS MAGGIE WONG: At a bus stop. 25 CHAIRMAN: In other words, pray in aid the use of people who</p>

Page 81	<p>1 are inconvenienced by this illegal parking, get them to 2 help.</p> <p>3 And your question, Ms Wong?</p> <p>4 MS MAGGIE WONG: It is, first of all, what do you think 5 about this suggestion? Because they are the 6 complainants and they have cameras already installed on 7 the buses; all they need to do is press a button and 8 pass the footage to the Transport Department. And the 9 suggestion is to simply invite them to assist in the 10 enforcement of the law. How do you find that 11 suggestion?</p> <p>12 MS YAU SIN MAN: (Via interpreter) There are two parts. If 13 it is moving traffic offences, if we have footage from 14 bus companies, and if we get the assistance of bus 15 drivers in the investigation, we can fine the driver, we 16 can fine the owner of the vehicle, to enforce the law.</p> <p>17 However, if it is a parking offence, illegal 18 parking, then, as I said, there are some legal 19 restrictions; we need to issue the ticket there and 20 then.</p> <p>21 So it depends on the nature of the offence.</p> <p>22 CHAIRMAN: Could you help me with the reference to the 23 legislation which provides, as I understand your 24 evidence, that a non-moving infraction, a parking 25 offence, requires the ticket to be either affixed to the</p>	Page 83	<p>1 the alleged assaults on bus captains reported to KMB 2 from 1 January 2015 to "to date", that is 26 July 2018; 3 and also details of five specific alleged assaults.</p> <p>4 One of the issues they raised is -- if we can look 5 at the table, there are 41 cases, and out of these 41 6 incidents we can see very few resulted in any 7 prosecution or meaningful result. Only two cases we can 8 see at items 162 and 164, at page 216. And most of 9 these cases we see are settled or with verbal warning or 10 not pursued by the police.</p> <p>11 Can I ask your view on this matter: first of all, 12 their comments that the police seemed to not give 13 priority to these sorts of cases, when it touches on 14 assaults on bus captains?</p> <p>15 MS YAU SIN MAN: (Via interpreter) I would ask my colleague 16 from the Traffic Branch Headquarters as well as those 17 from the Crime Wing to answer.</p> <p>18 MR LEE TAI WAI: (Via interpreter) In relation to the 180 19 cases submitted by KMB -- well, after we received the 20 information, we liaised with KMB to ask for information.</p> <p>21 Out of 188 cases, we have successfully found the 22 facts of the case as well as the result of 182 cases. 23 Out of the 182 cases, 131 of them are assault on bus 24 captains by passengers when the bus captains were 25 working. 99 cases were successfully detected. Out of</p>
Page 82	<p>1 windscreen or given to the driver? What is that 2 legislative provision?</p> <p>3 Perhaps one of your colleagues can look it up and 4 come back to it later.</p> <p>5 MS YAU SIN MAN: (Via interpreter) Yes. It's Cap 237. I am 6 trying to find the provision.</p> <p>7 CHAIRMAN: What's the name of the ordinance?</p> <p>8 MS YAU SIN MAN: Fixed Penalty (Traffic Contraventions) 9 Ordinance.</p> <p>10 CHAIRMAN: Thank you.</p> <p>11 As I say, we can come back to this later.</p> <p>12 MS YAU SIN MAN: Yes.</p> <p>13 CHAIRMAN: But it clearly is an impediment to the efficient 14 enforcement of law.</p> <p>15 MS YAU SIN MAN: (Chinese words not interpreted).</p> <p>16 MS MAGGIE WONG: Yes. Ms Yau, we are moving on to another 17 topic. It is on assaults on bus captains.</p> <p>18 We have heard evidence again on the enforcement of 19 assaults on bus captains by the police. There have been 20 complaints that the police did not appear to have given 21 these cases a high priority. We have been provided with 22 a list of assaults by the Kowloon Motor Bus for the 23 period of 1 January 2015 to 22 July 2018.</p> <p>24 If we can pull up on the screen KMB-1, page 212. 25 This is a letter from KMB, setting out the statistics of</p>	Page 84	<p>1 the 99 cases, 83 cases resulted in prosecution and the 2 cases were brought to court. 47 of them did not result 3 in prosecution.</p> <p>4 CHAIRMAN: There would be no further action?</p> <p>5 MR LEE TAI WAI: (Via interpreter) I agree, right, no 6 further action.</p> <p>7 CHAIRMAN: And, of the 83 prosecutions, how many convictions 8 resulted?</p> <p>9 MR LEE TAI WAI: (Via interpreter) Of the 83 prosecution 10 cases, 73[sic] of them resulted in convictions.</p> <p>11 CHAIRMAN: Do you have statistics of pleas of guilty and 12 pleas of not guilty, constituting that figure of 73?</p> <p>13 MR LEE TAI WAI: (Via interpreter) For the 75 convicted 14 cases, there are different penalties.</p> <p>15 CHAIRMAN: No. The question was: how many pleaded guilty, 16 and how many were found guilty?</p> <p>17 MR LEE TAI WAI: (Via interpreter) We don't have the 18 numbers.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MS MAGGIE WONG: Have you completed your answer, Mr Lee?</p> <p>21 MR LEE TAI WAI: Yes.</p> <p>22 MS MAGGIE WONG: Apart from the increase of assault 23 incidents --</p> <p>24 CHAIRMAN: Before you move on, Ms Wong -- do you have this 25 information available in written form? Just as KMB</p>

Page 85	Page 87
<p>1 provided us with their analysis, the 188 figure, do you 2 have a table in which you analysed it, from which you 3 appear to be reading? 4 MR LEE TAI WAI: (Via interpreter) Yes, we have the 5 information in writing. 6 CHAIRMAN: Can you provide that to us in due course? 7 MR LEE TAI WAI: (Via interpreter) Yes. 8 CHAIRMAN: Thank you. 9 Perhaps I stopped you prematurely. You wanted to 10 tell us about the penalties. How did you analyse the 11 penalties? 12 MR LEE TAI WAI: (Via interpreter) Of the 75 conviction 13 cases, 15 of them were imprisonment or a suspended 14 sentence. 15 CHAIRMAN: How many were actual imprisonment as opposed to 16 suspended imprisonment? 17 MR LEE TAI WAI: (Via interpreter) I don't have the 18 information in this regard. 19 CHAIRMAN: Thank you. 20 MR LEE TAI WAI: (Via interpreter) And in relation to bound 21 over, 22 cases; social service order, 16 cases; fine, 18 22 cases. 23 CHAIRMAN: Do you have the range of fines, maximum, minimum? 24 MR LEE TAI WAI: (Via interpreter) No. And there are four 25 cases of the probation order.</p>	<p>1 bus driver against assaults. 2 What do you say about those two complaints in 3 relation to the charge of fighting in public place? 4 CHAIRMAN: Presumably, you say that the charge wouldn't have 5 been brought unless it was appropriate. Would that be 6 the answer? 7 MR LEE TAI WAI: (Via interpreter) In relation to complaints 8 made by bus captains about assault, every case is 9 different. There are different factors. Under 10 Cap 230A, bus captains have certain power to deal with 11 misbehaving or law-breaking passengers. So bus captains 12 are protected by laws, in relation to those cases under 13 common assault or AOABH. 14 MR CHEUNG TIN LOK: (Via interpreter) Maybe I should 15 supplement. The counsel asked whether, in some cases, 16 the bus company may be of the view that the police have 17 dealt with bus captain assault cases in a way different 18 from what they would expect or we do not attach 19 importance to such cases. 20 I want to say that is irrespective of the status, 21 nationality, profession of the parties concerned, every 22 case is dealt with in an equal manner. 23 Our colleague has referred to the information that 24 we can provide in relation to the 188 cases referred to 25 by the KMB. We have been able to tell you the number of</p>
Page 86	Page 88
<p>1 CHAIRMAN: Do you have the offences for which these persons 2 were convicted? 3 MR LEE TAI WAI: (Via interpreter) Of all the cases I have 4 mentioned, there are four types: wounding ... 5 CHAIRMAN: You are speaking now to the convictions, or 6 generally? 7 MR LEE TAI WAI: (Via interpreter) Generally. 8 CHAIRMAN: Yes, wounding ... 9 MR LEE TAI WAI: (Via interpreter) The second one is AOABH, 10 assault occasioning actual bodily harm. The third one 11 is common assault. The fourth one is fighting in 12 a public place. 13 CHAIRMAN: Is wounding confined to section 19 offences? 14 MR LEE TAI WAI: (Via interpreter) Section 17 and 15 section 19. 16 CHAIRMAN: Thank you. 17 MS MAGGIE WONG: Just on this last topic, fighting in public 18 place, we have heard from some of the representations of 19 the trade unions that they raise objection to this 20 offence being made against the bus driver as well, in 21 terms of fighting in public place, and they made two 22 reasons. One is they are the drivers who are supposed 23 to enforce the law based on Cap 230A, in terms of the 24 enforcement of safety, or bus safety. And the second is 25 the legislation or the enforcement should protect the</p>	<p>1 detected cases, the number of prosecutions and the 2 number of convictions. Compared with cases of similar 3 nature, the relevant prosecutions and convictions are 4 relatively higher. 5 So we do not think that in the case of assault on 6 bus captain cases, the police have tried to downplay the 7 importance. I have to stress again that in handling 8 cases of assaulting bus captains, we have adopted a very 9 even-handed and serious attitude. 10 In the investigation, we deal with the cases in 11 an even-handed manner, and if there is sufficient 12 evidence to support a prosecution, we would proceed with 13 prosecution, but that would depend on the case in 14 question. If necessary, we also seek advice from the 15 Department of Justice. 16 The counsel has particularly referred to the offence 17 of fighting in a public place. What I want to say is 18 that when we receive a report and our officer would come 19 to the scene to investigate, we will have to classify 20 the case according to the findings of the investigation. 21 Of course, the parties concerned might insist on their 22 side of the story, but the police would certainly make 23 an assessment and come to a conclusion on the charges to 24 be laid on one or both parties. It could be that we 25 would only prosecute one of them, but if the evidence</p>

Page 89	<p>1 shows that fighting actually took place, then we would 2 lay the appropriate charge against the relevant party. 3 It is not just a decision made by the police -- 4 CHAIRMAN: Forgive me for cutting you off, Superintendent 5 Cheung. So my original suggestion was that if they are 6 charged, it is appropriate to do so? 7 MR CHEUNG TIN LOK: (Chinese words not interpreted). 8 CHAIRMAN: Yes. Very well. We have now gone past 1 o'clock 9 so we will take a lunch break now and resume again this 10 afternoon at 2.30. Thank you. 11 (1.06 pm) 12 (The luncheon adjournment) 13 (2.30 pm) 14 CHAIRMAN: Good afternoon. 15 Yes, Ms Wong. 16 MS MAGGIE WONG: Good afternoon. 17 Ms Yau, before the break, you were looking for 18 a section in Cap 237 in relation to the issue that the 19 fixed penalty ticket has to be served personally on the 20 driver or fixed on the vehicle. 21 Have you been able to locate the section? 22 MS YAU SIN MAN: (Via interpreter) Yes, we have located it. 23 MS MAGGIE WONG: Is that section 15? 24 MS YAU SIN MAN: (Via interpreter) Yes, subsection 15(2). 25 MS MAGGIE WONG: For the purposes of reading into the</p>	Page 91	<p>1 the DoJ, but I haven't got the advice with me now. The 2 advice was saying that the notice has to be fixed to the 3 vehicle or served to the driver. 4 CHAIRMAN: If that advice was correct, for argument's sake, 5 the legislative amendment would be simply to delete 6 section 15(2), would it not? 7 MR STEPHEN BAKER: As I recall from the draft drafting 8 instruction, my Lord, it's not to delete it. It is to 9 add the facility to enable remote ticketing. 10 CHAIRMAN: Yes, but deleting it would have the same effect, 11 then service would be at large. 12 MR STEPHEN BAKER: I bow to your ... 13 CHAIRMAN: But, either way, the point really is this: this 14 can be solved very quickly, either with a blue pencil, 15 which is how words are struck out, or with a red one, 16 inserting them? 17 MR STEPHEN BAKER: We shall reflect your comments, sir. 18 CHAIRMAN: What we are encumbered with is legislation that 19 is 35 years old, 30-plus years old. 20 MR STEPHEN BAKER: That's right, sir. 21 CHAIRMAN: Computers have come a long way, technology has 22 come a long way, since then. This legislation wasn't 23 written for the technology that obtains now. 24 MS MAGGIE WONG: Mr Lee, earlier on you mentioned before the 25 break that there are, out of 188 cases provided by</p>
Page 90	<p>1 record, may I read that out. I think I should read 2 subsection (1) as well. 3 CHAIRMAN: Yes, please do. 4 MS MAGGIE WONG: "If a police officer has reasonable cause 5 to believe that a contravention is being or has been 6 committed, he may give the registered owner of the 7 vehicle concerned or, where section 3(2) applies, the 8 driver liable an opportunity to discharge his liability 9 in respect of that contravention by payment of a fixed 10 penalty. 11 (2) For the purposes of subsection (1) notice in the 12 prescribed form shall be delivered personally to the 13 person in charge of the vehicle or fixed on the vehicle: 14 Provided that the operation of this section or 15 section 16 shall not be affected by a failure to comply 16 with this subsection." 17 Ms Yau, is that the section you refer to that 18 requires personal service? 19 MS YAU SIN MAN: (Via interpreter) Indeed. 20 MS MAGGIE WONG: But it appears from the proviso or the 21 "provided" part that a failure to comply with this 22 subsection would not be affected in terms of the 23 contravention of section 15(1). 24 MS YAU SIN MAN: (Via interpreter) Yes, I note that. 25 In relation to 15, we have consulted the advice of</p>	Page 92	<p>1 Kowloon Motor Bus, 47 cases in which there were no 2 prosecutions. 3 Can you let us know what is the common factor which 4 led to this non-prosecution? 5 MR LEE TAI WAI: (Via interpreter) There were 47 cases where 6 prosecution could not be pursued. For 22 cases, we 7 could not identify or locate the suspect or the 8 assaulter. For 16 cases, the victims did not pursue the 9 cases, so the cases ended. For the other six cases, 10 insufficient evidence -- ineptitude, insufficient 11 evidence, and the cases were closed after advice by DoJ. 12 Another case is still under investigation. 13 MS MAGGIE WONG: Mr Lee, the real question I would like to 14 ask is -- we have heard evidence from the Kowloon Motor 15 Bus that they prefer to use Cap 230A -- 16 CHAIRMAN: Before you move on from that -- these cases where 17 you couldn't identify the assailant, how useful or 18 otherwise is the fact that people pay to be on buses 19 with an Octopus card which contains, perhaps, personal 20 details? How useful is that in identifying 21 an assailant? 22 MR LEE TAI WAI: (Via interpreter) In trying to find the 23 assailant -- now, for those who paid by means of Octopus 24 card, that of course would be useful. But very often 25 Octopus card users might not be using a personalised</p>

<p style="text-align: right;">Page 93</p> <p>1 card and therefore there won't be sufficient evidence to 2 identify the persons. But if everyone is using 3 personalised card, it will help us to identify the 4 assailant. 5 CHAIRMAN: Thank you. 6 MS MAGGIE WONG: Thank you. Following on this Octopus card 7 issue, I believe that there are two cases in particular 8 that the Kowloon Motor Bus raised complaint that the 9 police did not proactively collect information in 10 relation to Octopus card records. 11 May I take you to a few documents on this issue. 12 First of all, can you refer to KMB-1A, page 297. If we 13 read -- I shall put this in context. There are two 14 cases -- and I apologise for that -- if we go, first of 15 all, to page 218 in the same bundle, 1A, there are five 16 cases mentioned there. Have you got that? 17 It's case number 3 and case number 4. If we look at 18 page 218-1, paragraph 2, it stated there -- it was 19 a letter from the IRC to the Kowloon Motor Bus, dated 20 27 July 2018, in which enquiries were made that: 21 "... in respect of cases 3 and 4, reference was made 22 to the preparation of a 'CCTV brief finding report' and 23 that in respect of case 1, reference was made to the 24 provision to the police of 'Octopus card records of the 25 assailant'."</p>	<p style="text-align: right;">Page 95</p> <p>1 Mr Lee, have you got that? Not yet. 2 MR LEE TAI WAI: Okay. 3 MS MAGGIE WONG: This is a reply from you to the committee, 4 dated 7 August 2018. You stated there, in paragraph 3: 5 "For case 1 ... according to the record of 6 Tin Shui Wai police division, it is confirmed that the 7 police had not received any Octopus card records of the 8 assailant from KMB despite a request was made to them to 9 provide such information." 10 You identify the information that can be obtained 11 from the use of an Octopus card, including the date and 12 time of the transaction, the machine being used for the 13 card, the transaction cost and the personal particulars 14 of the card owner in the case of a personalised Octopus 15 card was used. 16 Now, the complaint of the KMB is that they have the 17 document in hand but the police did not come to collect 18 it, and the document was hanging around in their office. 19 What is your answer to that? 20 CHAIRMAN: Perhaps we ought to go to the former chief 21 superintendent, now Mr Pang's evidence. 22 MS MAGGIE WONG: Yes. 23 CHAIRMAN: Because the ball appeared to have been dropped 24 between the two sides, and he undertook to pick the ball 25 up.</p>
<p style="text-align: right;">Page 94</p> <p>1 Then we asked for the provision of copies of the 2 CCTV and Octopus card records. It was in this context 3 that the Kowloon Motor Bus replied on 9 August 2018, at 4 page 297. If you look under the heading, "Reply to your 5 27 July 2018 letter", paragraph 2, it stated there that: 6 "In respect of cases 3 and 4 referred to in the said 7 letter, the CCTV brief finding reports prepared by the 8 accident investigation and prevention team of our legal 9 department are enclosed ... Please note that, as the 10 respective defendants pleaded guilty, the CCTV 11 videos/records were not used in the legal proceedings. 12 In respect of case 1 referred to in the said letter, 13 by a letter dated 16 April ... the police requested us 14 to provide the Octopus card records of the assailant and 15 his ... companions who were the last three passengers on 16 board the relevant bus at the material time. In or 17 around end of April 2018, we had a telephone 18 conversation with the police concerning the Octopus card 19 records and informed them to collect our written reply." 20 During the oral evidence of Mr Patrick Pang, he said 21 that the police never came to collect this Octopus card 22 report. 23 If we also look at your reply in the miscellaneous 24 bundle at page 124-537-1, I will just read out what you 25 stated there.</p>	<p style="text-align: right;">Page 96</p> <p>1 MS MAGGIE WONG: If I may invite you to look at transcript 2 Day 13, 10 August 2018, pages 108 to 109 of the 3 transcript, transcript bundle 5. 4 If you look at page 108 first, at line 6, the 5 question from the chairman was this: 6 "We understand that, because we have asked the 7 police about the information that is obtainable. 8 In your letter, which I think is at page 297 of 9 KMB-1, in the reply to this letter of request, the 10 second paragraph, you refer to case 1 and you say 11 this ...: 12 'In or around end of April 2018, we had a telephone 13 conversation with the police concerning the Octopus card 14 records and informed them to collect our written 15 reply.' 16 Were they collected? Try 'yes' or 'no' on that, if 17 you can." 18 Then Mr Patrick Pang said: 19 "No, they didn't come and collect." 20 And if we go to page 109, still Mr Pang's evidence 21 at line 9: 22 "We made a phone call to Tin Shui Wai district of 23 the police; we asked them to come and collect the reply. 24 But the police never came and the letter is still with 25 us and the Octopus records are still with us."</p>



Page 97	Page 99
<p>1 So that's what happened. That's the evidence of 2 Mr Patrick Pang -- 3 CHAIRMAN: I think it culminated with Mr Pang agreeing that 4 that was a silly state of affairs and that he would do 5 something about it. 6 MS MAGGIE WONG: Yes. 7 MR LEE TAI WAI: (Via interpreter) With regard to the 8 Tin Shui Wai case, we consulted the Tin Shui Wai 9 division. According to their record, the information 10 they gave us was that they did ask from the KMB the 11 relevant information about Octopus, but then they sent 12 the letter but they never got a written reply from KMB, 13 and they did not say that they received any phone call 14 telling them to go and collect the information. 15 This is what we got from the Tin Shui Wai division. 16 CHAIRMAN: This is a matter that we must pursue with Mr Pang 17 and KMB. 18 MS MAGGIE WONG: Yes. 19 CHAIRMAN: Because it is a truly lamentable state of affairs 20 that people involved who both have a mutual interest in 21 an allegation being investigated and, if appropriate, 22 a prosecution being mounted, have somehow managed not to 23 achieve that, when the evidence apparently is available. 24 MS MAGGIE WONG: Mr Lee, you earlier mentioned that these 25 cases, these 188 cases of KMB, there were four types of</p>	<p>1 relevant part of Cap 230A on the screen, so we can be 2 reminded about the ambit of that offence. 3 MS MAGGIE WONG: Yes. That would be at THB-2, page 132. 4 If we look at regulation 13A, and in particular 5 regulation (1)(c), it stated there that -- it governed 6 the general conduct of passengers and intending 7 passengers, and if we roll up regulation 13, which 8 provides that there is a power to remove passengers, and 9 then regulation 13A(1) is the offence creating 10 provision, that: 11 "No passenger or intending passenger shall: 12 (a) wilfully obstruct, impede or distract the driver 13 of the bus or any authorised person; 14 (b) wilfully obstruct the driver's view of the road 15 or any traffic; 16 (c) wilfully do or cause to be done with respect to 17 any part of the bus or its equipment, anything which: 18 (i) obstructs or interferes with the workings of the 19 bus or causes damage; or 20 (ii) causes injury, discomfort, annoyance or 21 inconvenience to any other person ..." 22 And it will be an offence. 23 And regulation 25 provides that: 24 "Any person who without reasonable excuse 25 contravenes any requirement ... under regulation 3(4) or</p>
Page 98	Page 100
<p>1 charges, and in none of those charges do they relate to 2 Cap 230A, and the evidence of KMB and the trade union is 3 all spoken with one voice, and they stated that it may 4 be easier to invoke Cap 230A with regard to passengers' 5 behaviour, because it doesn't involve physical abuse or 6 physical contact to constitute a breach, and in that 7 regard it is easier to prosecute. 8 What is your view on this matter? 9 MR LEE TAI WAI: (Via interpreter) Let me try to answer the 10 question first. Generally speaking, contraventions 11 under Cap 230A always happen, and very often an incident 12 may so develop that there is physical contact and then 13 the police would arrive on the scene. 14 The most ideal situation is that before an incident 15 deteriorates, the police can intervene and then we can 16 put a stop to the incident or we can use an easier 17 method to handle it, say, for example, to use any 18 offences under Cap 230A. But very often, when the 19 police arrive on the scene, there would be injuries and 20 there would be physical contact already. 21 MS MAGGIE WONG: I mean, in fairness to you, I should show 22 you a few documents in which I believe Ms Yau has 23 replied to KMB on this issue, as to whether you would 24 consider using Cap 230A in future. 25 CHAIRMAN: Perhaps before you get to that we could have the</p>	<p>1 any of the provisions ... commits an offence." 2 And regulation 25(3) provides: 3 "Any person who without reasonable excuse 4 contravenes ... section 13A ... commits an offence and 5 is liable to a fine of \$3,000 and to imprisonment for 6 6 months." 7 So the members of the trade union and the KMB 8 consider this provision is effective in combatting 9 physical assaults on bus captains by passengers. You 10 don't need to prove actual assault in that regard; they 11 consider it is easier to prosecute. 12 What is your response on that? I am coming to the 13 point of referring you to some correspondence in which 14 I believe Ms Yau did reply on this issue. 15 MR LEE TAI WAI: (Via interpreter) With regard to invoking 16 Cap 230A -- well, I agree we can prevent incidents from 17 deteriorating, say, that would deteriorate into a fight 18 where people would be injured, therefore we have always 19 appealed to bus drivers to keep calm when there are 20 passengers who contravene the law, and they should 21 report to the police as soon as possible so the police 22 can come on the scene and handle the situation, instead 23 of disputing with the passenger and then enter into 24 physical contact with the passenger. That is not ideal. 25 Therefore, Cap 230A is effective. If bus drivers</p>

Page 101	Page 103
<p>1 can keep calm and call the police to arrive on the 2 scene, I am sure there will be fewer attack cases as 3 a result.</p> <p>4 But we have to look at each case and then we will 5 look for the most appropriate offence for prosecution. 6 If there is actual physical contact and if there is 7 assault, I would think that we should go for the most 8 appropriate offences in order to take our prosecution.</p> <p>9 MS MAGGIE WONG: Yes. So maybe to complete the picture, if 10 Ms Yau can refer to KMB-1A, at page 286 in Chinese and 11 293 in English. It is a letter from KMB dated 8 March 12 2018.</p> <p>13 The date has not been translated, Mr Chairman, in 14 the English version, but it is dated 8 March 2018.</p> <p>15 At page 293, the KMB stated there:</p> <p>16 "In May last year, we wrote to the police expressing 17 that our bus captains had been assaulted one after 18 another. Upon considering the relevant cases, we found 19 that certain offenders not only committed the offence of 20 common assault but were ... likely to be in violation of 21 section 13A(1)(c) ..."</p> <p>22 And then he quoted the section.</p> <p>23 "As such, our company had specifically sent our 24 staff to the police station to provide evidence for the 25 following cases, and requested that the Hong Kong Police</p>	<p>1 MS YAU SIN MAN: (Via interpreter) We looked up the records 2 of the past few years. In 2016, we invoked 230A to 3 issue penalty tickets to a bus passenger, just one case.</p> <p>4 MS MAGGIE WONG: Has that been used after your reply given 5 to the KMB? Has that been used?</p> <p>6 MS YAU SIN MAN: (Via interpreter) We looked at the records 7 again. We did not use it this year.</p> <p>8 MS MAGGIE WONG: Any reason why it was so rarely used?</p> <p>9 MS YAU SIN MAN: (Via interpreter) I believe it would depend 10 on the cases and the evidence on site, and also the 11 facts of the case.</p> <p>12 MS MAGGIE WONG: There is just one more matter. According 13 to Mr Patrick Pang's evidence, Mr Patrick Pang of KMB, 14 he stated there was a meeting on 28 March, in which the 15 head of the legal department, himself and another 16 colleague attended or met with the chief superintendent 17 and his superintendent, and during that meeting the 18 chief superintendent promised at the meeting that he 19 would issue guidelines to the frontline policemen, to 20 first allow them to seriously investigate into all 21 alleged assaults, and he would remind his frontline 22 staff to see whether there would be cases where Cap 230A 23 could be applied for investigation and prosecution. 24 Has that been done? 25 MS YAU SIN MAN: (Via interpreter) Yes. On 10 May 2018,</p>
Page 102	Page 104
<p>1 may prosecute the suspects in accordance with 2 section 13A ..."</p> <p>3 And they mention six cases there. Then, over the 4 page, at 294, at the bottom:</p> <p>5 "In this regard, we now earnestly request that the 6 Hong Kong Police do, in future cases of assaults on bus 7 captains, seriously consider charging the offenders 8 under section 13A ... in addition to the charge of 9 common assault. Our company will definitely cooperate 10 with the Hong Kong Police to offer our assistance."</p> <p>11 In this respect, Ms Yau replied on 17 May 2018, at 12 page 296. The Chinese version is at page 288. You 13 stated there, Ms Yau that:</p> <p>14 "[Following] the follow-up action of the meeting 15 with your company on 28 March, you are hereby notified 16 that the division has notified the regions in writing to 17 remind the frontline staff to be fair and professional 18 when handling the cases of assault or harassment ... and 19 shall understand the nature of the case and the injury 20 of the injured to properly categorise the case and 21 seriously consider whether Public Bus Services 22 Regulations Cap 230A ... should apply."</p> <p>23 So my question is this: has Cap 230A, regulation 24 13A, ever been invoked or used by the police to 25 prosecute?</p>	<p>1 Traffic Branch Headquarters issued an internal notice 2 for all frontline staff, in dealing with cases of 3 alleged assault against bus captains.</p> <p>4 MS MAGGIE WONG: Can we have a copy of this internal notice? 5 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>6 MS MAGGIE WONG: Maybe we will have that through the 7 secretariat.</p> <p>8 CHAIRMAN: Do you have a copy of it here today? 9 MS YAU SIN MAN: Yes.</p> <p>10 CHAIRMAN: Thank you. Perhaps somebody would be kind enough 11 to come forward and take the document. We will have it 12 copied now.</p> <p>13 May I have a look at it first. (Handed). Thank 14 you. 15 Thank you.</p> <p>16 MS MAGGIE WONG: Just one last matter on this topic. There 17 is this evidence from Mr Patrick Pang, stating -- when 18 he was asked about this question, "Why would you use 19 Cap 230A when you can proceed with the charge of common 20 assault? What advantage do you see of using Cap 230A?", 21 to which I believe KMB replied at Day 13, page 73. That 22 would be 10 August 2018. Page 73, line 12.</p> <p>23 Mr Peter Duncan SC, counsel for the committee, 24 asked: 25 "So what is the point of asking the police to</p>

Page 105	Page 107
<p>1 prosecute under a section which carries a maximum 2 penalty less than that for common assault?</p> <p>3 Mr Patrick Pang: The company is of the view that in 4 respect of cases like common assault, the investigation 5 by the police is a difficult process. If Cap 230A is 6 invoked in the investigation or in the prosecution, it 7 would be relatively easier to prove the offence or the 8 offending act.</p> <p>9 We also hope that those who abuse or attack our bus 10 captains, those passengers would be made known that 11 there is this regulation, Cap 230A, in regard to 12 passengers' behaviour, and it doesn't take physical 13 abuse or physical contact to constitute a breach ..."</p> <p>14 So, in that regard, they have highlighted the 15 advantages of using this provision, and I believe your 16 evidence also confirms you would consider using it, even 17 though at the moment it is still rarely used. Is that 18 the position?</p> <p>19 MS YAU SIN MAN: (Via interpreter) I would like to say that 20 for prosecution, we do not just go for the easy way out. 21 It all depends on the evidence of the case. If there is 22 sufficient evidence to show that there has been physical 23 assault, even though Cap 230A A can be invoked, we would 24 go for more serious offences, to show the significance 25 police attach to physical assault of bus captains.</p>	<p>1 existed -- I stand to be corrected.</p> <p>2 CHAIRMAN: So there is a pre-existing Working Group on Speed 3 Limits on which Transport Department and the police have 4 representatives?</p> <p>5 MS MAGGIE WONG: Yes.</p> <p>6 CHAIRMAN: And, in this particular case, the section of road 7 involved in the Tai Po Road was referred to this working 8 group, with recommendations from the Transport 9 Department; is my summary of the evidence accurate?</p> <p>10 MS MAGGIE WONG: Yes.</p> <p>11 CHAIRMAN: Thank you.</p> <p>12 MS MAGGIE WONG: Maybe Ms Yau can explain about this Working 13 Group on Review of Speed Limits. In terms of 14 membership, what does it comprise of?</p> <p>15 MS YAU SIN MAN: (Via interpreter) I defer to my colleague, 16 Mr Lee Tai Wai.</p> <p>17 MR LEE TAI WAI: (Via interpreter) Regarding the Transport 18 Department's Working Group on Speed Limits Review, 19 representatives include those from the TD and two NGOs 20 are the Motor Association of Hong Kong and Senior 21 Drivers Association of Hong Kong, and also 22 representatives from the police.</p> <p>23 MS MAGGIE WONG: Can you tell us what is the police 24 involvement in this Transport Department's working 25 group?</p>
Page 106	Page 108
<p>1 So we will not just go for 230A simply because it is 2 easier to prove it. It all depends on evidence.</p> <p>3 MS MAGGIE WONG: I would like to ask a more general 4 question: how do you ensure that passenger assault cases 5 are dealt with expeditiously?</p> <p>6 MS YAU SIN MAN: (Via interpreter) We deal with all cases 7 immediately. Timing-wise, it depends on when evidence 8 can be given by the witness. We will ask the witness 9 concerned to give statement or evidence at once. If 10 further investigation such as medical reports are 11 required, or statements from other witnesses are 12 required, we would do that immediately.</p> <p>13 MS MAGGIE WONG: Moving on to another topic, on Working 14 Group on Review of Speed Limits.</p> <p>15 Before I engage on this working group, I would like 16 to explain a little bit as to why it was set up. It 17 arose on the Tai Po Road accident, and there was this 18 meeting of the Tai Po District Council, minutes dated 19 12 February 2018, and there was discussion as to --</p> <p>20 CHAIRMAN: Before you go on any further, I don't think it is 21 the evidence that we have received that the Working 22 Group on Speed Limits arose from the Tai Po accident. 23 It existed already, did it not? I'm asking you, 24 Ms Wong.</p> <p>25 MS MAGGIE WONG: Mr Chairman, I believe it should be it</p>	<p>1 MR LEE TAI WAI: (Via interpreter) We have a representative 2 from the Traffic Branch Headquarters to attend regular 3 meetings of the working group to review the sections' 4 speed limit on the agenda.</p> <p>5 CHAIRMAN: Who convenes the meeting?</p> <p>6 MR LEE TAI WAI: (Via interpreter) Assistant Commissioner of 7 the Transport Department.</p> <p>8 CHAIRMAN: So it is a Transport Department-driven committee?</p> <p>9 MR LEE TAI WAI: (Via interpreter) Yes.</p> <p>10 CHAIRMAN: Do they provide the secretarial side of it?</p> <p>11 MR LEE TAI WAI: (Via interpreter) Yes. They are 12 responsible for all secretarial services, and the 13 meeting place is also at the headquarters of the 14 Transport Department.</p> <p>15 CHAIRMAN: And presumably, in that role, they generate the 16 agenda?</p> <p>17 MR LEE TAI WAI: (Via interpreter) Agreed.</p> <p>18 CHAIRMAN: Thank you.</p> <p>19 MS MAGGIE WONG: Can you tell us how the working group 20 functioned, in terms of does it involve considering 21 objective facts and assessment in deciding whether 22 suggestions for changing speed limits of certain roads 23 should be entertained?</p> <p>24 MR LEE TAI WAI: (Via interpreter) The TD has a regular 25 mechanism for reviewing the speed limits of road</p>

Page 109	Page 111
<p>1 sections to ensure that the speed limit can ensure road 2 safety and smooth traffic.</p> <p>3 In reviewing speed limits, the priority is to ensure 4 safety of users. There are a few factors to be 5 considered in deciding whether the speed limit should be 6 raised or lowered or kept the same. First, traffic 7 accidents of the section involved, and the second factor 8 is the usual speed of vehicles using that section. The 9 third factor is the characteristics and circumstances of 10 the road, the gradient, the sightline, the junctions, 11 and also the situation with pedestrians.</p> <p>12 So, based on the factors I just mentioned, TD and 13 colleagues will come up with recommendations, as to 14 whether the speed limit should be raised, lowered or 15 kept the same.</p> <p>16 MS MAGGIE WONG: You mentioned that the Transport Department 17 has a regular mechanism for reviewing speed limits. Can 18 you tell us what is the regular mechanism; how regular?</p> <p>19 MR LEE TAI WAI: (Via interpreter) My understanding is the 20 working group meets on a quarterly basis, to review 21 different road sections. The choice of road sections is 22 for the TD to decide. So the working group will decide 23 the road sections to be included.</p> <p>24 I believe the mechanism would target road sections 25 which have had frequent or serious traffic accidents.</p>	<p>1 CHAIRMAN: Do you know in what circumstances it was 2 constituted?</p> <p>3 MR LEE TAI WAI: (Via interpreter) I have no record to 4 check.</p> <p>5 CHAIRMAN: Thank you.</p> <p>6 MS MAGGIE WONG: Now, in relation to the specific 7 Tai Po Road section, may I refer you to a few documents. 8 The purpose of this is to show that in relation to the 9 Tai Po Road concerned, there have been complaints from 10 the district council, from residents, from schools, that 11 that particular road section is prone to accidents and 12 there are lots of speeding occurred, and there has been 13 correspondence written by the Tai Po District Council to 14 the Hong Kong Police, requesting for assistance.</p> <p>15 CHAIRMAN: Before you get involved in that detail, can I ask 16 this general question: have any of the five police 17 representatives here today been a member of this working 18 group Working Group on Speed Limits?</p> <p>19 MR STEPHEN BAKER: No, sir.</p> <p>20 MR LEE TAI WAI: (Via interpreter) The regular members are 21 such that one of the police representatives is the 22 superintendent in charge of traffic control, and he has 23 just been deployed elsewhere and I am acting in that 24 position now.</p> <p>25 CHAIRMAN: So the direct answer to the question is that none</p>
Page 110	Page 112
<p>1 Such road sections will mostly be reviewed by the 2 working group.</p> <p>3 MS MAGGIE WONG: You mentioned that the mechanism would 4 target road sections which have had frequent or serious 5 traffic accidents. So, in that sense, it is reactive to 6 accidents happening in that road section; is that 7 correct?</p> <p>8 MR LEE TAI WAI: (Via interpreter) This is one of the 9 considerations. There are other factors at play. For 10 instance, complaint from members of the public or views 11 of the district councils.</p> <p>12 MS MAGGIE WONG: So am I correct to say it is not -- as far 13 as you know, it is not a proactive exercise, meaning the 14 Transport Department or the police would proactively 15 look for dangerous road sections that need to consider 16 reviewing speed limits; is that the position?</p> <p>17 MR LEE TAI WAI: (Via interpreter) I dare not say whether it 18 is a proactive review or not. But I believe the review 19 mechanism is effective.</p> <p>20 MS MAGGIE WONG: Now, going back to the specific example --</p> <p>21 CHAIRMAN: Can you help the committee as to how long this 22 Working Group on Speed Limits has been in place?</p> <p>23 MR LEE TAI WAI: (Via interpreter) According to records, it 24 meets on a quarterly basis, and the first meeting, 25 according to records, was held in 2000.</p>	<p>1 of the five representatives have acted in that role, 2 until you acted as a deputy to whoever you have 3 replaced; is that it?</p> <p>4 MR LEE TAI WAI: (Via interpreter) I agree.</p> <p>5 CHAIRMAN: Thank you.</p> <p>6 MS MAGGIE WONG: So, Mr Lee, since you're acting as deputy, 7 have you attended any of these working group meetings on 8 the review of speed limits?</p> <p>9 MR LEE TAI WAI: (Via interpreter) I attended one or two 10 meetings, but it was two or three years ago.</p> <p>11 With regard to the Tai Po incident review, I never 12 attended any meetings.</p> <p>13 CHAIRMAN: On the occasions that you have attended the 14 working group meetings, typically, if there is such 15 a thing, on how many sections of roads were the speed 16 limits reviewed?</p> <p>17 MR LEE TAI WAI: (Via interpreter) On the occasions when 18 I attended the meetings, about three sites and six 19 directions would be identified, because we will look at 20 both directions of any road sections. Therefore, there 21 will be six road sections to be reviewed at every 22 meeting.</p> <p>23 MS MAGGIE WONG: Why six road sections?</p> <p>24 MR LEE TAI WAI: (Via interpreter) As I said, usually three 25 sites or spots would be identified, and then we would</p>

Page 113	Page 115
<p>1 look at both directions of every site. Therefore, six</p> <p>2 road sections.</p> <p>3 MS MAGGIE WONG: Yes. And who selects those three road</p> <p>4 sections?</p> <p>5 MR LEE TAI WAI: (Via interpreter) The Transport Department.</p> <p>6 MS MAGGIE WONG: And the basis of those road sections would</p> <p>7 be on the factors you mentioned earlier on?</p> <p>8 MR LEE TAI WAI: (Via interpreter) That's correct.</p> <p>9 MS MAGGIE WONG: Do you have any say in the selection of the</p> <p>10 road sections?</p> <p>11 MR LEE TAI WAI: (Via interpreter) We would give some</p> <p>12 advice, we would say whether we agree or disagree.</p> <p>13 MS MAGGIE WONG: What about if you have received complaints</p> <p>14 about a certain road section? Can you suggest that this</p> <p>15 section be reviewed?</p> <p>16 MR LEE TAI WAI: (Via interpreter) Certainly. We can make</p> <p>17 the proposal to the Transport Department that we have</p> <p>18 received a complaint with regard to speed review. But</p> <p>19 usually, members of the public or district councils and</p> <p>20 other departments would know that speed limit on roads</p> <p>21 would be under the jurisdiction of the Transport</p> <p>22 Department. Only the Transport Department has the power</p> <p>23 to state and review speed limits on roads.</p> <p>24 CHAIRMAN: And if a district councillor didn't know that,</p> <p>25 that's what he would be told?</p>	<p>1 the road section and demonstrate or introduce the</p> <p>2 characteristics of that road section, and also the road</p> <p>3 situation.</p> <p>4 CHAIRMAN: More particularly, are there thresholds,</p> <p>5 parameters, that are set, for example, for the increase</p> <p>6 in the incidence of traffic accidents, that triggers</p> <p>7 a review?</p> <p>8 MR LEE TAI WAI: (Via interpreter) I am not sure but</p> <p>9 I believe this would be one of the considerations.</p> <p>10 CHAIRMAN: But nothing that you are aware of that is</p> <p>11 a formula?</p> <p>12 MR LEE TAI WAI: (Via interpreter) I don't think there is</p> <p>13 a formula.</p> <p>14 CHAIRMAN: For example, a 50 per cent increase in road</p> <p>15 traffic accidents on that road section in the last year;</p> <p>16 nothing like that?</p> <p>17 MR LEE TAI WAI: (Via interpreter) No. There is no formula.</p> <p>18 I cannot recall any formula.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 Please.</p> <p>21 MEMBER AUYEUNG: Just to follow up on this working group.</p> <p>22 When you guys meet, do you guys make a distinction</p> <p>23 between heavy vehicle versus regular vehicles?</p> <p>24 MR LEE TAI WAI: (Via interpreter) Normally, we don't,</p> <p>25 because speed limit would apply to all types of</p>
Page 114	Page 116
<p>1 MR LEE TAI WAI: (Via interpreter) We would reflect the</p> <p>2 situation to the Transport Department.</p> <p>3 CHAIRMAN: But if the matter was raised by a district</p> <p>4 councillor, I'm anticipating some documents you are</p> <p>5 going to be taken to. If the district councillor chose</p> <p>6 to raise it with the police, he would be told, "That's</p> <p>7 not our job, that's the Transport Department's job"; is</p> <p>8 that it?</p> <p>9 MR LEE TAI WAI: (Via interpreter) I believe our district</p> <p>10 staff, if they would receive views from district</p> <p>11 councillors they would certainly reflect the views to</p> <p>12 the Transport Department staff in that district, for</p> <p>13 that would be forwarded to the working group for</p> <p>14 handling.</p> <p>15 CHAIRMAN: Well, we will see what happened.</p> <p>16 MS MAGGIE WONG: Mr Lee, may I first of all --</p> <p>17 CHAIRMAN: Before you do that -- you have told us about the</p> <p>18 factors that come into play in reviewing speed limits,</p> <p>19 the incidence of traffic accidents, the usual speed of</p> <p>20 road users then generally the characteristics of the</p> <p>21 road, topography, and so on.</p> <p>22 Are these reflected in a written document?</p> <p>23 MR LEE TAI WAI: (Via interpreter) These would appear in the</p> <p>24 report, and also there would be some filmlets on car</p> <p>25 patrol. In other words, they would use a car to patrol</p>	<p>1 vehicles, except buses or light buses, for which the</p> <p>2 speed is already limited.</p> <p>3 CHAIRMAN: Thank you.</p> <p>4 MS MAGGIE WONG: If I may first of all chronologically --</p> <p>5 because I am going to take you chronologically to the</p> <p>6 events that happened up until the Tai Po accident and</p> <p>7 the final report.</p> <p>8 The first is the letter dated 5 June 2017. It is in</p> <p>9 bundle DC-2B. It's a complaint to the police by the</p> <p>10 Tai Po District Council. It's at DC-2B, page 840-70, in</p> <p>11 Chinese, and English at 840-74.</p> <p>12 We can see the translation, that it was addressed to</p> <p>13 the central traffic camera investigation unit, Traffic</p> <p>14 Branch Headquarters, Hong Kong Police Force, dated</p> <p>15 5 June 2017, and it is from the Tai Po District</p> <p>16 Councillor, Ms Chan Siu Kuen, and the title was,</p> <p>17 "Request to install 'speed camera' between Deerhill Bay</p> <p>18 and Tai Po Mei", and the first paragraph set out:</p> <p>19 "This office has received requests for assistance</p> <p>20 from the residents in the vicinity of Tai Po Road</p> <p>21 because there are often speeding and unlawful motor</p> <p>22 racing on Tai Po Road, especially during overnight hours</p> <p>23 and on holidays, when a large group of suspectedly</p> <p>24 modified racing vehicles drive in high speed on</p> <p>25 Tai Po Road. It is suspected that unlawful motor racing</p>

Page 117	Page 119
<p>1 is being conducted and massive noise is generated ...  2 which causes nuisances to residents. In case a traffic  3 accident happens, the vehicle may collide into residents  4 and cause severe casualty as well as endanger the safety  5 of other road users. Thus the installation of a 'speed  6 camera' is requested."  7 Then at the end, it stated:  8 "... I hope that your office would accede to the  9 residents' request and install as soon as possible  10 a 'speed camera' on Tai Po Road near the location  11 between Deerhill Bay and Tai Po Mei ..."  12 CHAIRMAN: Do we have a map that would show us that  13 location?  14 MS MAGGIE WONG: Yes. It's the section between Deerhill Bay  15 and Tai Po Mei. That's around the areas in the middle.  16 If you can see number -- around the area in the middle.  17 CHAIRMAN: Yes. We certainly see Tai Po Mei, and this  18 of course is in the immediate vicinity of the bus  19 accident on 10 February.  20 MS MAGGIE WONG: Yes.  21 CHAIRMAN: And the partly obscured words "... hill Bay", is  22 that Deerhill Bay?  23 MS MAGGIE WONG: Yes. Correct, Mr Chairman.  24 Upon receiving this, the Hong Kong Police Force  25 replied on 16 June 2017, and if I may take you to 840-71</p>	<p>1 MS MAGGIE WONG: That's the sentence:  2 "This office understands that the Transport  3 Department currently has no plans to install fixed speed  4 monitoring cameras in the captioned road section."  5 CHAIRMAN: Well, we all can see what that says.  6 MS MAGGIE WONG: May I ask a general question first: if you  7 received a request from a Tai Po District Councillor in  8 relation to installing speed cameras or questions raised  9 about speeding in a certain road section, would that  10 complaint be placed as one of the items in the working  11 group on review of speed limits?  12 MR LEE TAI WAI: (Via interpreter) I don't think so. This  13 is just a request to install a speed camera on a road  14 section. It has nothing to do with a review of speed  15 limits.  16 CHAIRMAN: I think the point is this. If you, the police,  17 have an opportunity to raise matters that ought to be  18 considered on the agenda, is this something you would  19 have put forward, for the Transport Department to decide  20 whether or not to list it on the agenda of the meeting  21 of the Working Group on Speed Limits?  22 MS YAU SIN MAN: (Via interpreter) I think the police and  23 the Transport Department can have an exchange at many  24 committees. With regard to the installation of speed  25 cameras, this will not be considered at the Working</p>
Page 118	Page 120
<p>1 in Chinese, and 840-73 in English.  2 This letter, we can see it was addressed by Andrew  3 Lam Chi Hang, for the Commissioner of Police, to the  4 office of Chan Siu Kuen, district councillor of Tai Po,  5 dated 16 June 2017, and it was copied to a Mr Chiu Kang  6 Bor, Paul, Traffic Control Division, Technical Services  7 Branch of the Transport Department, as well as the  8 senior superintendent of police and district commander,  9 Tai Po.  10 The letter stated:  11 "The locations for installation of fixed speed  12 monitoring cameras are mainly determined by the  13 Transport Department. After installation, the police is  14 responsible for taking enforcement action. This office  15 understands that the Transport Department ... has no  16 plans to install fixed speed monitoring cameras in the  17 captioned road section. At the same time, the police  18 will continue to closely monitor the traffic situation  19 of the road section concerned."  20 Now, we can see that the Transport Department  21 refused the request to install speed camera, and the  22 police reply appears to suggest there is nothing they  23 can do about it, and their role is simply enforcement.  24 CHAIRMAN: On what basis do you say that the Transport  25 Department had refused to install a speed camera?</p>	<p>1 Group on Review of Speed Limits.  2 MS MAGGIE WONG: But what about if there is a specific  3 complaint by a district councillor to change the speed  4 limit or reduce the speed limit; would that reach the  5 working group?  6 MS YAU SIN MAN: (Via interpreter) If it is about the speed  7 limit of a road section, it would reach the working  8 group.  9 MS MAGGIE WONG: Yes. May I take you to a letter dated  10 24 July 2015 by Tai Po District Councillor Madam Chan  11 Siu Kuen but this time to the Transport Department. The  12 Chinese is at 840 --  13 CHAIRMAN: Before you move on, Superintendent Lee, your  14 point made earlier was that if the police received  15 a request like this, it would be referred to the  16 Transport Department, and that's made good, is it not,  17 by the way in which this letter was copied to the  18 Transport Department? I'm looking at 840-73.  19 So it has been sent to the Transport Department.  20 That's the point you were making?  21 MR LEE TAI WAI: (Via interpreter) Yes, I agree, but the  22 letter was cced to the Transport Department, but for  23 installation of speed monitoring cameras. It was to the  24 relevant division for installation of cameras.  25 I believe the letter would not have gone to the agenda</p>

Page 121	Page 123
<p>1 of the Working Group on Speed Limit Review.  2 CHAIRMAN: That's an entirely separate point. Your point  3 that you liaise with the Transport Department is made  4 out by this letter, because this request for a camera  5 was notified in your letter, the police letter, back to  6 the district councillor.  7 Yes, Ms Wong.  8 MS MAGGIE WONG: Before I go to that specific complaint  9 letter, can I take you to the minutes of meeting of the  10 Tai Po District Council, minutes of the second meeting  11 on 13 March 2015; Chinese at page 840-81, English at  12 840-91.  13 You can see the persons in attendance include  14 a named officer at the bottom as "Head, Traffic Wing  15 (Tai Po police district)/Hong Kong Police Force", and  16 there were other departments concerned, like the  17 Transport Department, Tai Po District Tenancy Housing  18 Department and District Office, but a representative of  19 the police force was present.  20 If we go to 840-92, at paragraph 79, there was  21 a specific request from Japanese International School to  22 reduce the speed limit of Tai Po Road section at Tai Po  23 Kau). And at paragraph 79:  24 "The chairman [referred to] the receipt of a letter  25 from the Japanese International School which requested</p>	<p>1 CHAIRMAN: Again, could we see the location on a map,  2 please.  3 MS MAGGIE WONG: That would be between 21 and 22. You can  4 see the Japanese International School.  5 CHAIRMAN: Yes. Perhaps we could zoom out to give the  6 overall context.  7 So beyond the site of the accident as one drives  8 from Sha Tin to Tai Po; is that correct?  9 MS MAGGIE WONG: Correct.  10 CHAIRMAN: Thank you. Yes.  11 MS MAGGIE WONG: This was a specific request by a school,  12 where representatives of the police were present and  13 they raised complaints about this issue and requested  14 for reduction of speed limits.  15 Would this request be normally placed before the  16 Working Group on Review of Speed Limits?  17 MR LEE TAI WAI: (Via interpreter) According to our minutes  18 of the meeting, I believe the police representative  19 present was a sergeant of the Traffic Wing of Tai Po  20 district.  21 According to the minutes, the district council  22 requested the TD to review the speed limit of the road  23 section. I believe the message received would have been  24 put back to the working group for inclusion to its  25 agenda or to further decide whether there should be</p>
Page 122	Page 124
<p>1 to reduce the speed limit of the road section in front  2 of their school from 70km/hour to 50km/hour. They also  3 invited the transport division to visit the Japanese  4 International School to discuss with their students the  5 traffic problems in their vicinity. The chairman  6 requested the Transport Department to first respond to  7 the request for lowering the speed limit."  8 Then paragraph 80:  9 "Mr Wong Kwok Leung responded that the Japanese  10 International School suggested that the speed limit of  11 the road section in front of the [school] be reduced  12 from 70km/hour to 50km/hour in view of a traffic  13 accident on the section of Tai Po Road in front of the  14 Japanese International School in 2014 in which a member  15 of the public was killed. The Transport Department and  16 police were examining the cause of that traffic  17 accident, which might not necessarily be related to the  18 speed limit of that road section, including issues of  19 the motorists' driving attitude and problem ... The TD  20 would examine whether the present speed limit of that  21 road section was appropriate. Furthermore, the TD had  22 sent an interim reply to the Japanese International  23 School after the Chinese New Year and would provide  24 a detailed reply ..."  25 Now, this was a specific request, Mr Lee --</p>	<p>1 a review of the speed limit for that section.  2 CHAIRMAN: And that would have been communicated by the  3 police representatives to the working group; is that  4 what you are saying?  5 MR LEE TAI WAI: (Via interpreter) Well, from what I could  6 see here, in the main it was the TD representative who  7 answered questions of the district councillor. So  8 I believe the police would not have repeatedly conveyed  9 the message to the TD.  10 CHAIRMAN: No, not the TD, the working group is the  11 question. Would the police have taken it upon  12 themselves to communicate this to the working group?  13 For consideration of putting it on the agenda, perhaps.  14 MR LEE TAI WAI: (Via interpreter) I don't believe so,  15 because it was the TD's representative who was  16 responsible for answering questions on that day.  17 MS MAGGIE WONG: Before I go on on this topic, if someone  18 made a complaint on a particular road section, would the  19 police be required to compile certain statistics in  20 relation to that particular road section, to see if the  21 complaint is a valid one?  22 MR LEE TAI WAI: (Via interpreter) When the police receive  23 a similar complaint, it will be conveyed to the TD for  24 follow-up. We will not compile any statistics or carry  25 out an investigation.</p>

Page 125	Page 127
<p>1 MS MAGGIE WONG: So do I understand the evidence correctly 2 as even though you have a representative of the police 3 present in this meeting, and there were complaints by 4 a school, and there was a particular incident where 5 someone got killed in that road section, which is 6 serious and fatal, the police would not take up any 7 further investigation, unless it was asked by the 8 Transport Department? Is that the position? 9 MR LEE TAI WAI: (Via interpreter) Well, at that meeting, 10 according to the minutes, the police will investigate 11 the causes of the accident, and for that particular 12 meeting the district council put a question to the TD, 13 to request for a speed limit review. I did not see 14 anything to require the police to take any appropriate 15 action to reflect that view. 16 MS MAGGIE WONG: So do you know if the Transport Department 17 asked for statistics of the road accidents for that 18 particular section of the road at that time? 19 MR LEE TAI WAI: (Via interpreter) In this morning's 20 evidence, we said that statistics of traffic accidents 21 were shared between the TD and the police, so the TD has 22 got such statistics. 23 MS MAGGIE WONG: Now, four months after these minutes -- 24 CHAIRMAN: Sorry, before you go on, the question was then, 25 2017. There has been a complaint -- 2015 -- there has</p>	<p>1 because owing to the absence of speed limit traffic 2 signs around the bend of Savannah Garden, traffic 3 accidents happened frequently. 4 To ensure the safety of road users, your department 5 is now requested to expeditiously install the '50 km' 6 speed limit signs at the above location to remind 7 motorists to pay attention to driving at safe speed for 8 prevention of unnecessary incidents." 9 Now, this is the follow-up letter, following on from 10 the minutes of the meeting in March 2015. In normal 11 circumstances, would this letter reach the Working Group 12 on Review of Speed Limits? 13 MR LEE TAI WAI: (Via interpreter) I believe the purpose of 14 the letter was mainly to request for signs to be 15 installed. It was not about a request to review the 16 speed limit. So I believe the letter would not have 17 reached the working group. 18 CHAIRMAN: What was the speed limit at that place, at that 19 time? 20 MR LEE TAI WAI: (Via interpreter) I don't have such 21 information. 22 CHAIRMAN: Do we, Ms Wong? 23 MS MAGGIE WONG: It is 70km/hour. 24 And we have evidence from Mr Chan that it is not 25 simply a letter. There are telephone conversations on</p>
Page 126	Page 128
<p>1 been a complaint about a fatality in 2014. Did the 2 Transport Department ask for road accident statistics 3 then, 2015? Not in 2018. 2015. Do you understand the 4 difference? 5 MR LEE TAI WAI: (Via interpreter) I understand the 6 difference. In the main, the TD will not ask us for 7 statistics involving traffic accidents, because we can 8 share our system and they have all the information we 9 have. 10 CHAIRMAN: So they can get the information on a shared 11 information system, they don't need to ask you; is that 12 it? 13 MR LEE TAI WAI: (Via interpreter) Yes. 14 CHAIRMAN: Thank you. 15 MS MAGGIE WONG: And, four months after the minutes of the 16 meeting, there was another follow-up letter by the 17 Tai Po District Councillor, dated 24 July 2015. That's 18 in DC-2B bundle, at 840-78, in Chinese; and English at 19 840-88. 20 If we drop to the second paragraph -- the letter is 21 dated 24 July 2015 from Mr Chan Siu Kuen, and it is 22 stated there in paragraph 2 -- first of all, 23 paragraph 1, the second line, that they: 24 "... have received request for assistance from the 25 residents in the vicinity of Tai Po Road. This is</p>	<p>1 this matter, requesting for reduction of speed limit to 2 50km/hour. So this is just a follow-up letter, 3 following up on the conversations with the Transport 4 Department. 5 CHAIRMAN: Do you have a transcript reference for that so 6 that we can help Superintendent Lee understand the 7 evidence? 8 MS MAGGIE WONG: Yes. Mr Chairman, I need to look for that 9 because I just remembered this off the top of my head. 10 CHAIRMAN: I am familiar with that myself. 11 MS MAGGIE WONG: May I have a moment? 12 CHAIRMAN: Yes, take your time. 13 MS MAGGIE WONG: Mr Chairman, that would be on Day 4, 14 page 9. 15 CHAIRMAN: And the date? 16 MS MAGGIE WONG: Sorry, Day 6, page 9. 17 CHAIRMAN: What is the date of page 6? 18 MS MAGGIE WONG: 14 July. 19 CHAIRMAN: Thank you. 20 MS MAGGIE WONG: On that page, it stated at line 18 -- 21 Mr Chan Siu Kuen stated there: 22 "At that time, the Transport Department" -- this is 23 in reference to the matter that we discussed earlier on. 24 "At that time, the Transport Department did not give 25 me a direct reply. However, I have spoken to them on</p>



Page 129	Page 131
<p>1 the phone. They said that if the speed is to be reduced 2 to 50 they would have to consult residents as well as 3 owners corporations. And in 2014, near the Japanese 4 International School there was a traffic accident at the 5 signal junction, as a result a person was injured, and 6 the Transport Department replied to me. He said for the 7 speed to be reduced to 50 the TD would have to conduct 8 a study, and after the accident they have appealed to 9 the public to abide by road traffic regulations. They 10 said that from the perspective of the TD, for the speed 11 to be reduced to 50, they would have to do a lot of 12 consultation and to liaise with the police. 13 I have been waiting. And I have been in contact 14 with them. Well, Mr Wong of the Transport Department 15 has been transferred out. And regrettably we had the 16 traffic accident at Tai Po Mei. And I approached the 17 police, because the TD could not help us. I asked the 18 police to install speed cameras and I have been 19 following that up." 20 Now, Mr Lee, that's the evidence given by Mr Chan, 21 that it is not simply letters but there are follow-up 22 telephone conversations and repeated requests, and there 23 seems to be inaction. 24 Can you tell us why would that be the situation in 25 this particular case?</p>	<p>1 example, "We are concerned about the speed limit on this 2 stretch of road and we think it should be reviewed"? Do 3 the police do that? 4 MR LEE TAI WAI: (Via interpreter) I believe we must have 5 done that, especially at road sections where there have 6 been heavy or serious traffic accidents or, where there 7 have been a lot of traffic accidents, the division 8 concerned, according to the investigation records, would 9 put different views to the TD, including a review of 10 speed limits. Usually, this would be handled by the 11 five land-based traffic divisions of the police, 12 investigation would have been done, and then they would 13 reflect their views to the Transport Department. 14 CHAIRMAN: Are you able to provide us with any examples 15 illustrating that proactive role -- correspondence? 16 MR LEE TAI WAI: (Via interpreter) Well, generally speaking, 17 exchanges at the district level usually are not recorded 18 by us. 19 CHAIRMAN: Well, they must be recorded somewhere. 20 MR LEE TAI WAI: (Via interpreter) I believe so. 21 CHAIRMAN: That's what we are asking for. Can you give us 22 some examples illustrating the police having a proactive 23 role, "There have been too many accidents in this area. 24 For our part, we the police, who have to go there and 25 scrape people up off the road, think it's time we</p>
Page 130	Page 132
<p>1 CHAIRMAN: The context of this, to remind ourselves, is 2 a letter from a district councillor to the Transport 3 Department. 4 MS MAGGIE WONG: Yes, correct, Mr Chairman. 5 CHAIRMAN: It may be that you don't know why the Transport 6 Department didn't do anything. 7 MR LEE TAI WAI: (Via interpreter) The letter was the 8 communication between the TD and the person who wrote 9 the letter, so we should not comment on it, and we don't 10 have any record on these matters. 11 MS MAGGIE WONG: So am I correct to say that the role of the 12 police in the working group is more or less like 13 a rubber stamp, with no particular active role in 14 requesting the Transport Department to do anything? 15 MR LEE TAI WAI: (Via interpreter) The police participation 16 in the working group is absolutely not as a rubber 17 stamp. We studied all the reports. We would also 18 consult our colleagues in that particular district, and 19 we would also consult our frontline staff, if 20 a particular view is proposed, as to what they think 21 about it, and then at the meeting we will reflect the 22 police's view to the working group. 23 CHAIRMAN: Perhaps approaching the matter the other way 24 around, to what extent, if at all, do the police have 25 a proactive role in putting forward suggestions? For</p>	<p>1 reduced the speed limit."? Are there any illustrations 2 where the police have done that, so we can follow it? 3 MR LEE TAI WAI: (Via interpreter) We can go back to try to 4 get some records. We will consult our colleagues. 5 CHAIRMAN: That's what we are asking for, illustrations 6 demonstrating a proactive role. 7 MS MAGGIE WONG: Just as an example, if you receive a number 8 of complaints, I believe there would be a number of road 9 sections which citizens or other district councils would 10 complain about, and if there are more than three road 11 sections which require discussion, how do you select 12 those three road sections, if there are more complaints 13 than three road sections? 14 CHAIRMAN: That rather presupposes there is some kind of 15 arbitrary limit. 16 MS MAGGIE WONG: Yes. 17 CHAIRMAN: Is there a limit on the number of road sections 18 you can discuss at one of these meetings? 19 MR LEE TAI WAI: (Via interpreter) Well, it depends on the 20 nature of complaints, because there can be many 21 different kinds of traffic complaints. If the residents 22 complain to the police, our district staff or traffic 23 headquarters staff will process them. 24 MS MAGGIE WONG: We move on to the chronology, this time it 25 is after the accident. There was this meeting of the</p>

Page 133	Page 135
<p>1 Tai Po District Council dated 12 February 2018. We can 2 see that in bundle DC-2, page 285.</p> <p>3 The minutes actually start at page 782 in English. 4 At paragraph 5, I believe a representative of the police 5 was present, that was Mr Chau Chung Mun, superintendent 6 of police, investigation and support division, Traffic 7 New Territories North, Hong Kong Police Force. And at 8 paragraph 5, Mr Chau, apart from the road accident on 9 10 February 2018, he referred to the cases that the 10 police detected in 2017, in terms of traffic violations.</p> <p>11 If we see in the middle, it is stated there that: 12 "In 2017, the police had made 4 arrests, [including] 13 2 drunk drivers, 1 case of dangerous driving and 1 case 14 of drug-related crime. The police had issued a total of 15 32 fixed penalty tickets at the road section in 2017 for 16 speeding and traffic violations. A total of 29 traffic 17 accidents had occurred in the Chek Nai Ping to Wong 18 Yee Au section on Tai Po Road, out of which 2 were more 19 serious. Although there were no speed enforcement 20 cameras installed at the above mentioned road section, 21 the police would carry out operations to detect speeding 22 from time to time by placing detection equipment at 23 a few designated spots along the road section. The 24 Hong Kong Police Force would complete the 25 investigation ..."</p>	<p>1 statistics be provided to the working group, traffic 2 accident statistics?</p> <p>3 MR LEE TAI WAI: (Via interpreter) They would review traffic 4 accident figures. They would do comparisons to the 5 average accident rate.</p> <p>6 MS MAGGIE WONG: You mentioned in your evidence earlier on, 7 before the break, that the working group would review 8 three road sections with six directions. And in the 9 meetings you have attended, have you come across 10 a particular road section in which the speed limit was 11 reduced?</p> <p>12 MR LEE TAI WAI: (Via interpreter) In my impression, yes, 13 but it was not because of traffic accidents, but because 14 there was a major infrastructure nearby, and therefore 15 there was a reduction.</p> <p>16 MS MAGGIE WONG: Was there an incident where the speed limit 17 was reduced because of the road accidents on the 18 particular road section?</p> <p>19 MR LEE TAI WAI: (Via interpreter) Since I only attended two 20 to three meetings, I cannot say for sure, but I didn't 21 see that in those two or three meetings that I attended, 22 that the speed limit was reviewed and reduced as 23 a result of traffic accidents.</p> <p>24 MS MAGGIE WONG: May I take you to the last document in this 25 chain. It's the information paper by Transport</p>
Page 134	Page 136
<p>1 Now, Mr Chau mentioned that 29 traffic accidents 2 occurred in this road section.</p> <p>3 CHAIRMAN: Again, could we have a look on the map to show us 4 the section?</p> <p>5 MS MAGGIE WONG: Yes. That's Chek Nai Ping to Wong Yee Au 6 section.</p> <p>7 CHAIRMAN: Yes. Where is Chek Nai Ping? Ah, yes. Thank 8 you. And Wong Yee Au? Yes. Thank you very much.</p> <p>9 MS MAGGIE WONG: Mr Lee, my question is: there were 29 road 10 traffic accidents, 30 offences of speeding and 32 fixed 11 penalty tickets for speeding and traffic violations for 12 that section of the road in 2017. Would you consider 13 these statistics warranted the attention of the police 14 in bringing this particular road section up for 15 discussion at the working group?</p> <p>16 MR LEE TAI WAI: (Via interpreter) It depends on the causes 17 of these 29 traffic accidents. You need to know the 18 causes before you can decide whether to take it to the 19 working group, whether they were all related to 20 speeding.</p> <p>21 I believe this should be left to the traffic 22 division of that district to decide whether this should 23 be reviewed by the Transport Department.</p> <p>24 MS MAGGIE WONG: Now, can you tell us, in all the working 25 group sessions you have attended, would these kinds of</p>	<p>1 Department to Tai Po District Council, dated 9 April 2 2018.</p> <p>3 We can see that in TD-5, page 1617-1. This is 4 a translation. The Chinese document is at page 1611.</p> <p>5 I will give a description of this document. It is 6 a paper prepared by the Transport Department, dated 7 9 April 2018, headed, "Traffic management measures on 8 Tai Po Road (Tsun King Road, Sha Tin to Yung Yi Road, 9 Tai Po)", and if we look at, first of all, the purpose 10 of this paper, it says: 11 "The Tai Po District Council ... held a special 12 meeting on 12 February ... to discuss the serious bus 13 accident happened on 10 February 2018 early evening. 14 The Transport Department ... has undertaken to review 15 the speed limit and traffic management measures of the 16 relevant road section. In view of the concerns of the 17 local community and the Tai Po District Council about 18 the progress of the implementation of improvement 19 measures, this paper briefs members on the progress of 20 TD in reviewing the speed limit of the relevant road 21 section of Tai Po Road and ... follow-up improvement 22 measures." 23 We can see, in this paper, that the Transport 24 Department in paragraph 2 has reviewed the speed limit 25 of the road section, and in paragraph 3 it stated:</p>

Page 137	Page 139
<p>1 "TD has established regular mechanism to review the 2 speed limit of the road with a view to ... road safety 3 and maintaining smooth traffic." 4 We can see over the page, at 1617-2, it stated there 5 that: 6 "... protection of road users' safety is of prime 7 consideration. In deciding whether the speed limit 8 should be reduced, relaxed or maintained, [three] 9 factors will be taken into consideration: 10 (a) traffic accident records of the subject road 11 section; 12 (b) speeds of vehicles travelling on that road 13 section; and 14 (c) road environment and features such as gradient, 15 sightline of motorists, road intersections, pedestrian 16 traffic, et cetera. 17 4. ... TD has comprehensively reviewed the traffic 18 accident records of the subject road section ... [in the 19 past two months]." 20 And then it suggested that, if we see section (c): 21 "Section between Chek Nai Ping and Yung Yi Road 22 [which we have seen earlier on] ... 23 The traffic accident rate of the relevant road 24 section was on a rising trend and above the overall 25 average traffic accident rate in Hong Kong in the past</p>	<p>1 I have two questions. The first is, as far as your 2 department is concerned, have these statistics been 3 provided to the Transport Department before the 4 accident? 5 CHAIRMAN: I'm sorry, could you particularise that question? 6 MS MAGGIE WONG: Was the traffic accident records of the 7 subject road section provided to the Transport 8 Department prior to the Tai Po Road accident on 9 10 February 2018? 10 CHAIRMAN: Thank you. 11 MR LEE TAI WAI: (Via interpreter) As far as I know, no. 12 MS MAGGIE WONG: Do you know if this subject road section 13 has ever been placed before the Working Group on Review 14 of Speed Limit prior to the Tai Po accident on 15 10 February 2018? 16 MR LEE TAI WAI: (Via interpreter) As far as I know, no. 17 MS MAGGIE WONG: Mr Chairman, I am going to move on to 18 another topic -- unless you have some questions on this 19 matter. 20 CHAIRMAN: Thank you. Just give me a moment, please. 21 There were recommendations made on 9 April for the 22 installation of a speed camera for this stretch of road. 23 Do we have a map? Does the map show us where the speed 24 camera is proposed to go? 25 MS MAGGIE WONG: Mr Chairman, I believe the evidence is that</p>
Page 138	Page 140
<p>1 year. The detected vehicular speeds in recent months 2 were lower than those of the past and generally below 3 the current speed limit ..." 4 And apart from other matters mentioned there: 5 "In light of the aforementioned new circumstances, 6 the speed limit of the relevant road section has scope 7 for downward adjustment. The speed limit of 70km/hour 8 is recommended to be lowered to 50km/hour for further 9 enhancing road safety." 10 If we jump to paragraph 6: 11 "Separately, TD and the Hong Kong Police Force ... 12 have started preparing for installation of a new batch 13 of fixed speed enforcement cameras for stepping up the 14 deterrence and enforcement against speeding motorists. 15 The subject road section of the accident ... has already 16 been included in the list of road sections for 17 consideration of installation. TD is currently seeking 18 resources and aims to firm up the installation of 19 a fixed speed enforcement camera at the section near 20 Chek Nai Ping of Tai Po Road ... before the end of this 21 year." 22 Now, within two months of the Tai Po accident, the 23 TD is said to have comprehensively reviewed the traffic 24 accident reports and suggested the reduction of the 25 speed limit to 50km/hour.</p>	<p>1 the speed camera has not been considered until the end 2 of 2018. 3 CHAIRMAN: Was there any recommendation as to where it would 4 go or not? 5 MS MAGGIE WONG: Yes. It's at 1617-5. 6 CHAIRMAN: Thank you. Could we see that on a map? 7 MS MAGGIE WONG: Yes. We can see that at the right-bottom 8 box, with the red asterisk. 9 CHAIRMAN: Thank you. 10 MS MAGGIE WONG: It is stated there, "Initially recommended 11 location for installing fixed speed enforcement camera". 12 CHAIRMAN: Thank you. Can you help us as to what steps have 13 been taken, first of all, to obtain speed cameras -- 14 apparently, there was a budget issue, we saw from that 15 9 April paper -- so that there is one available to be 16 placed here? Can anyone help us with that? 17 MS YAU SIN MAN: (Via interpreter) For the fixed speed 18 enforcement camera, it is mainly under the portfolio of 19 the Transport and Housing Bureau and the Transport 20 Department. In around July 2017, the Transport and 21 Housing Bureau started a new round of public 22 consultation on the installation of such cameras, on the 23 choice of locations and the type of camera to be 24 installed. The exercise started in mid-2017, and 25 subsequent to the Tai Po Road accident, the Transport</p>

Page 141	Page 143
<p>1 Department, together with our CTCIU, central traffic 2 camera investigation unit, under the Traffic Branch 3 Headquarters of the police, the TD, together with CTCIU, 4 started to see how cameras should be installed and 5 designed for the site of the Tai Po Road accident. 6 CHAIRMAN: But the accident was six months ago. Where are 7 we now? 8 MS YAU SIN MAN: (Via interpreter) I understand that the 9 Transport Department has obtained funding and the camera 10 will be installed there as soon as possible. 11 CHAIRMAN: When? 12 MS YAU SIN MAN: (Via interpreter) I don't know the actual 13 date, but as far as I know they have confirmed the 14 location and they have got money to do it. 15 CHAIRMAN: But, from what you are saying, this is 16 a responsibility of the Transport Department and not the 17 police? 18 MS YAU SIN MAN: (Via interpreter) That is correct. 19 CHAIRMAN: So they provide you with information about how 20 they are proceeding; is that it? 21 MS YAU SIN MAN: (Via interpreter) That's correct. The 22 camera to be installed at Tai Po Road, as I said, was 23 part of the plan started in mid-2017 to install new 24 cameras. 25 CHAIRMAN: But presumably not at this particular location;</p>	<p>1 such that there should be a camera placed at each 2 housing. I think that is our main focus of the 3 discussion. 4 CHAIRMAN: My question was more specific: are there about 5 4,000 kilometres of roads in Hong Kong? 6 MS YAU SIN MAN: (Via interpreter) Yes. 7 CHAIRMAN: 24 cameras? 8 MS YAU SIN MAN: (Via interpreter) Yes. 9 CHAIRMAN: Is that not one of the lowest ratios of cameras 10 to length of roads in civilised jurisdictions? 11 MS YAU SIN MAN: (Via interpreter) Yes, I got your point, 12 Chairman. 13 CHAIRMAN: Ms Wong, are we sitting today until 5.30? 14 MS MAGGIE WONG: Yes. 15 CHAIRMAN: In which case we will take a short afternoon 16 break. Is this a convenient moment? 17 MS MAGGIE WONG: Yes. Thank you, Mr Chairman. 18 CHAIRMAN: We will take a break now for 15 minutes. Thank 19 you. 20 (4.13 pm) 21 (A short adjournment) 22 (4.28 pm) 23 CHAIRMAN: Yes, Ms Wong. 24 MS MAGGIE WONG: Before I move on to a new topic, may I wrap 25 this up by inviting you to go to the SEC bundle at</p>
Page 142	Page 144
<p>1 there was a general review about installing new cameras? 2 Is that what you are saying? 3 MS YAU SIN MAN: (Via interpreter) That's correct. 4 CHAIRMAN: And am I right in recollecting evidence that was 5 given earlier, by Chief Superintendent Baker, I think, 6 that there are 24 fixed speed cameras in Hong Kong? 7 MS YAU SIN MAN: (Via interpreter) That's true. Right now 8 we have 24 such cameras installed at 130 locations. 9 They are in operation. 10 (In English) 130 housings. 11 CHAIRMAN: I'm not sure I follow that. How do you install 12 24 cameras, fixed cameras, in 130 locations? 13 MS YAU SIN MAN: (Via interpreter) So, from time to time, 14 the cameras are placed at different housings -- 15 CHAIRMAN: They are moved around? They are not fixed at one 16 place? 17 MS YAU SIN MAN: (Via interpreter) They are not. 18 CHAIRMAN: At any given time they are fixed in one place and 19 then they are moved around? 20 MS YAU SIN MAN: (Via interpreter) That's true. The 21 Transport and Housing Bureau, when it sought funding 22 from the LegCo, provided a certain ratio. 23 CHAIRMAN: Are there about 4,000 kilometres of roads in 24 Hong Kong? 25 MS YAU SIN MAN: (Via interpreter) The latest discussion is</p>	<p>1 page 1360. 2 This is a LegCo paper -- sorry, minutes of special 3 meeting held on 15 February 2018, Panel on Transport. 4 I invite you to go to page 1360, in which three motions 5 were passed at the Legislative Council. I won't read 6 all of them out but only read one of the paragraphs 7 which may relate to the question I am going to ask. 8 That's motion number 2. The panel urges the 9 administration to: 10 "apply anti-skid surface dressing, erect additional 11 deceleration warning signs and install speed enforcement 12 cameras on the subject road section immediately, and 13 review the 'high-risk' road sections across the 14 territory and expeditiously enhance the relevant safety 15 measures to safeguard the safety of road users ..." 16 Now, this motion was passed by the Legislative 17 Council, and in relation to this matter which I ask 18 this: has the police formed a separate department to 19 carry out the task of reviewing the high-risk road 20 sections across the territory? 21 MS YAU SIN MAN: (Via interpreter) I would like to say that 22 we have never seen this document before. In relation to 23 the road section concerned and the measures mentioned, 24 the only thing we were involved was the speed 25 enforcement cameras, and as I said the discussion</p>

Page 145	Page 147
<p>1 started last year, and after the accident at 2 Tai Po Road, we understand that the Transport Department 3 is going to install a camera there. 4 As regards other measures, we have not set up any 5 committee to see to them. 6 MS MAGGIE WONG: Did the Transport Department consult you to 7 provide them with certain traffic accident data in 8 relation to particular road sections that have high risk 9 across the territory? 10 MS YAU SIN MAN: (Via interpreter) We have never received 11 any special request from the Transport Department. 12 MS MAGGIE WONG: I understand that the police has kept 13 a database for black spots, or spots that are prone to 14 traffic accidents. Is that correct? 15 MR STEPHEN BAKER: We do have a list of traffic accident 16 black spots, which is -- these locations are classified 17 by the Transport Department. The criteria for 18 a location to be classified as a black spot is six cases 19 with pedestrian injury within a 12-month period, nine 20 cases with any injury within a 12-month period, or two 21 fatal cases within five years. And this list is updated 22 every three months. 23 MS MAGGIE WONG: Is the list made available to the public? 24 MR STEPHEN BAKER: I honestly don't know the answer to that 25 question.</p>	<p>1 MR STEPHEN BAKER: Right, sir. 2 MEMBER LO: Actually, it is published on the TD website. 3 CHAIRMAN: Perhaps someone could look at that, whether or 4 not it's available on the Transport Department's 5 website. 6 MS MAGGIE WONG: May I move on to another topic, on Road 7 Safety Council. If I may take you to a document in the 8 SEC bundle, page 481. 9 CHAIRMAN: Which volume of SEC is this? 10 MS MAGGIE WONG: That should be bundle SEC-1. 11 CHAIRMAN: Thank you. 12 MS MAGGIE WONG: Page 481. It is a footnote contained in 13 the Audit Commission report that we have seen earlier 14 this morning. If we scroll down to note 1, it provides 15 a description of the Road Safety Council, and it 16 contains the composition or membership within the Road 17 Safety Council. We can see it: 18 "... is chaired by the Deputy Commissioner of Police 19 (operations) with members drawn from seven government 20 bureaux and departments (including the Transport and 21 Housing Bureau, the Transport Department, the 22 Information Services Department) and six 23 non-governmental organisations (including the transport 24 associations). It is supported by two committees, the 25 Road Safety Campaign Committee and Road Safety Research</p>
Page 146	Page 148
<p>1 CHAIRMAN: No doubt you can find out and inform us. 2 MR STEPHEN BAKER: Yes, sir. 3 CHAIRMAN: Thank you. 4 MS MAGGIE WONG: Thank you. You mentioned that it would be 5 classified as a black spot if two fatal cases within 6 five years. Once you made that classification as black 7 spot, what measures or what safety measures would be 8 recommended in terms of this particular road section? 9 MR STEPHEN BAKER: From a policing point of view, our 10 responsibility would mainly rest through enforcement, 11 but with all our departments working together, they 12 could also look at road engineering road engineering, 13 publicity and other measures to reduce the potential for 14 accidents to happen at that location. 15 MS MAGGIE WONG: Would the bus companies be informed of 16 these black spots? 17 MR STEPHEN BAKER: I would have to make further enquiries to 18 find that out. 19 CHAIRMAN: Can you help us as to whether or not you provide 20 the Transport Department with your list of black spots? 21 MR STEPHEN BAKER: Actually, the list is prepared by the 22 Transport Department, sir. 23 CHAIRMAN: So dissemination of it is a matter for them? 24 MR STEPHEN BAKER: Yes. 25 CHAIRMAN: It's their document.</p>	<p>1 Committee." 2 So my first question is -- it is stated there that 3 the Road Safety Councils is chaired by the Deputy 4 Commissioner of Police (Operations). Does it hold 5 regular meetings with respect to traffic statistics for 6 reducing traffic-related injuries? 7 MR STEPHEN BAKER: Yes. It meets quarterly, at which the 8 traffic accident trends are discussed, and the trend is 9 mainly represented in the form of statistics. 10 CHAIRMAN: Have any of the officers here present today 11 served as a representative of the police force on the 12 council? 13 MR STEPHEN BAKER: Yes, sir. I have appeared at two 14 meetings, the last two meetings. 15 MS MAGGIE WONG: What role would the police play in the Road 16 Safety Council? 17 MR STEPHEN BAKER: The police play the role of secretariat, 18 to coordinate the meetings, and they also have 19 representatives on some of the subcommittees, for 20 example, the Road Safety Campaign Committee. 21 MS MAGGIE WONG: What would be discussed normally in the 22 Road Safety Council, apart from accident statistics? 23 MR STEPHEN BAKER: At the last two meetings, I can say that 24 the meeting mainly focused on the road safety trend. It 25 has also discussed items, for example, including</p>

Page 149	Page 151
<p>1 driverless vehicles, topical subjects such as that.</p> <p>2 CHAIRMAN: Does it publish papers?</p> <p>3 MR STEPHEN BAKER: No, sir.</p> <p>4 CHAIRMAN: Are its minutes available publicly?</p> <p>5 MR STEPHEN BAKER: No, sir.</p> <p>6 MS MAGGIE WONG: Would the meeting make recommendations to</p> <p>7 the seven government departments as to how to enhance</p> <p>8 safety features on the road, in particular bus safety?</p> <p>9 MR STEPHEN BAKER: Such matters were not discussed in the</p> <p>10 last two meetings.</p> <p>11 MS MAGGIE WONG: Can it make suggestions, if they see</p> <p>12 a problem in relation to particular aspect in relation</p> <p>13 to bus safety, can it make suggestion to Transport</p> <p>14 Department or different bureaux mentioned there?</p> <p>15 MR STEPHEN BAKER: I believe so, because the different</p> <p>16 government departments are represented there, and the</p> <p>17 overall aim of the Road Safety Council is to reduce</p> <p>18 traffic accidents.</p> <p>19 MS MAGGIE WONG: It is stated there that there are two</p> <p>20 subcommittees, the Road Safety Campaign Committee and</p> <p>21 the Road Safety Research Committee. May I ask, first of</p> <p>22 all, what's the membership of the Road Safety Campaign</p> <p>23 Committee?</p> <p>24 MR STEPHEN BAKER: The Road Safety Campaign Committee is</p> <p>25 chaired by one of the civilian members of the Road</p>	<p>1 Highways Department, Transport Department, engineers</p> <p>2 from different units of the Transport Department,</p> <p>3 persons in charge, and in this committee, from time to</p> <p>4 time, there might be consultancy studies. Consultants</p> <p>5 would be there to give presentations. They are</p> <p>6 commissioned by the Transport Department to carry out</p> <p>7 studies, and they would give presentations at meetings.</p> <p>8 Also, there would be university lecturers and also</p> <p>9 transport experts who are on the committee.</p> <p>10 CHAIRMAN: Transport experts who hold what positions</p> <p>11 elsewhere?</p> <p>12 MS YAU SIN MAN: (Via interpreter) According to what I know,</p> <p>13 they are university lecturers, but I am not sure of</p> <p>14 their research interests.</p> <p>15 MS MAGGIE WONG: Do they meet regularly?</p> <p>16 MS YAU SIN MAN: (Via interpreter) Yes, we do. We have</p> <p>17 quarterly meetings.</p> <p>18 CHAIRMAN: Are you a representative on this committee?</p> <p>19 MS YAU SIN MAN: (Via interpreter) Yes, I am.</p> <p>20 CHAIRMAN: Currently?</p> <p>21 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>22 CHAIRMAN: How long have you been a representative?</p> <p>23 MS YAU SIN MAN: (Via interpreter) Starting from April 2017,</p> <p>24 when I took up this position, I started to be on the</p> <p>25 committee. But I did not attend the last two meetings</p>
Page 150	Page 152
<p>1 Safety Council, and it consists of --</p> <p>2 CHAIRMAN: By that you mean non-government?</p> <p>3 MR STEPHEN BAKER: Non-government, sir, yes. Also sitting</p> <p>4 on that subcommittee are representatives from the road</p> <p>5 safety team in the Hong Kong Police, some people from</p> <p>6 the private sector who are skilled at publicity.</p> <p>7 MS MAGGIE WONG: Would they meet regularly?</p> <p>8 MR STEPHEN BAKER: Yes. They meet every quarter, I believe.</p> <p>9 MS MAGGIE WONG: Would they have any minutes of meeting for</p> <p>10 this subcommittee?</p> <p>11 MR STEPHEN BAKER: We are checking.</p> <p>12 MS MAGGIE WONG: Thank you. Would the topic of attack on</p> <p>13 bus captains be one of the topics that would be</p> <p>14 discussed in the Road Safety Campaign Committee?</p> <p>15 MR STEPHEN BAKER: No. It hasn't been discussed in that</p> <p>16 way. It mainly focuses on how to convey road safety</p> <p>17 messages to different groups within society. For</p> <p>18 example, elderly people or young people. Things like</p> <p>19 that.</p> <p>20 MS MAGGIE WONG: Yes. And in terms of the Road Safety</p> <p>21 Research Committee, what is the membership?</p> <p>22 MR STEPHEN BAKER: Perhaps Ms Yau could answer that part.</p> <p>23 MS YAU SIN MAN: (Via interpreter) The chairman of the</p> <p>24 Research Committee is the Deputy Commissioner of the</p> <p>25 Transport Department. Members include the police, the</p>	<p>1 because I was otherwise officially engaged and I was</p> <p>2 represented by other colleagues.</p> <p>3 CHAIRMAN: But no doubt you were kept informed as to what</p> <p>4 had been discussed.</p> <p>5 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>6 MS MAGGIE WONG: What topics were discussed?</p> <p>7 MS YAU SIN MAN: (Via interpreter) From what I remember --</p> <p>8 well, this may not be all the topics. For example, we</p> <p>9 talked about child seat belts on vehicles, and also</p> <p>10 extending the green phase for pedestrians of traffic</p> <p>11 lights, so elderly people can have longer time to cross</p> <p>12 the road. And also walkability, encouraging pedestrians</p> <p>13 to walk more. This is what I can recall to have been</p> <p>14 discussed at the committees. Actually, they are</p> <p>15 research reports.</p> <p>16 MS MAGGIE WONG: What about technological --</p> <p>17 CHAIRMAN: Before you move on -- are these research reports</p> <p>18 available publicly?</p> <p>19 MS YAU SIN MAN: (Via interpreter) I'm not sure about that.</p> <p>20 MS MAGGIE WONG: Would there be minutes of meeting?</p> <p>21 MS YAU SIN MAN: (Via interpreter) Yes, there are.</p> <p>22 CHAIRMAN: Although you only joined the committee in April</p> <p>23 2017, although that's now the best part of 18 months</p> <p>24 ago, no doubt you had access to records going back in</p> <p>25 time earlier than that?</p>

Page 153	<p>1 MS YAU SIN MAN: (Via interpreter) Yes, I can.</p> <p>2 CHAIRMAN: And, in order to prepare yourself for the job, no</p> <p>3 doubt you had to read that material to see what this</p> <p>4 committee was all about?</p> <p>5 MS YAU SIN MAN: (Via interpreter) Well, with regard to</p> <p>6 previous reports, I did not really look at them.</p> <p>7 CHAIRMAN: Yes, Ms Wong.</p> <p>8 MS MAGGIE WONG: Yes. Because the term is "Road Safety</p> <p>9 Research Committee", would they discuss anything about</p> <p>10 the reduction of speed limits of certain busy roads,</p> <p>11 like in Central, Des Voeux Road? Would they raise those</p> <p>12 sorts of matters?</p> <p>13 MS YAU SIN MAN: (Via interpreter) From what I recall,</p> <p>14 I don't think that was mentioned. That is about a</p> <p>15 reduction of speed limits.</p> <p>16 MS MAGGIE WONG: What about bus safety in a general sense?</p> <p>17 MS YAU SIN MAN: (Via interpreter) No. I need to go back</p> <p>18 and look at the research reports again before I can</p> <p>19 remember, but that is what I think I can recall now.</p> <p>20 MS MAGGIE WONG: Thank you. May I just ask a general</p> <p>21 question: in what way you see Cap 230 could be modified</p> <p>22 or strengthened to enhance bus safety based on your law</p> <p>23 enforcement experience?</p> <p>24 MS YAU SIN MAN: (Via interpreter) Well, I think all</p> <p>25 regulations or ordinances would have been established</p>	Page 155	<p>1 terms of traffic laws and road design, this would be</p> <p>2 executed by the Transport Department.</p> <p>3 The role of the police, according to the law, is</p> <p>4 that we are empowered by the law, so we do enforcement</p> <p>5 work as dutifully as we can.</p> <p>6 Talking about enforcement, as we said, sometimes</p> <p>7 there would be nothing that we could do. Say, for</p> <p>8 example, I mentioned illegal parking. With what powers</p> <p>9 we are given by the law, we will do as much as we can.</p> <p>10 And in terms of revision to the law or road design, road</p> <p>11 improvements, the police also have a duty to give advice</p> <p>12 to the Transport Department. Hopefully, we can improve</p> <p>13 road safety. Hopefully, traffic can be smooth, and</p> <p>14 every road user can be protected.</p> <p>15 CHAIRMAN: So who is it that comes up with ideas about what</p> <p>16 it is we should be pursuing? We have been discussing</p> <p>17 today, for example, seat belts on franchised buses.</p> <p>18 There are other issues about other safety devices that</p> <p>19 can be used on vehicles to make them safer. Who is it</p> <p>20 that comes up with these ideas?</p> <p>21 MS YAU SIN MAN: (Via interpreter) I believe different</p> <p>22 quarters will provide views. On a daily basis, we</p> <p>23 enforce the law, and we can draw from overseas</p> <p>24 experience, we think. And within the Transport</p> <p>25 Department, they also do research, and in the end, it</p>
Page 154	<p>1 with a particular intent. Cap 230A targets passenger</p> <p>2 conduct on buses, and also it is to regulate the</p> <p>3 operation of franchised buses. Since the police are</p> <p>4 here to enforce the law, I would think that I would</p> <p>5 emphasise how we can enforce the law better.</p> <p>6 MS MAGGIE WONG: Since we are on the topic of enforcement of</p> <p>7 the law, I am going actually to the last topic.</p> <p>8 I believe in one of the replies, you have provided the</p> <p>9 committee with 51 fatal cases.</p> <p>10 CHAIRMAN: Before you move on to that detail, there are some</p> <p>11 matters I would like to pursue.</p> <p>12 We have, fortunately, representatives in you, Chief</p> <p>13 Superintendent Baker, on the Road Safety Campaign</p> <p>14 Committee, and in you, Chief Superintendent Yau,</p> <p>15 the police representative on the Road Safety Research</p> <p>16 Committee. I would like to pose this question to you</p> <p>17 both.</p> <p>18 Who is it, if it is anybody, in Hong Kong</p> <p>19 government, that drives the safety of road transport?</p> <p>20 Where does the impetus come from? Who directs others?</p> <p>21 Who establishes policy?</p> <p>22 MS YAU SIN MAN: (Via interpreter) I believe, in terms of</p> <p>23 overall transport matters, the Transport and Housing</p> <p>24 Bureau provides the steer for making policies, and the</p> <p>25 Transport Department is an executive organisation. In</p>	Page 156	<p>1 would be up to the policy bureau to give policy support;</p> <p>2 say in terms of technology, funding, legal matters, we</p> <p>3 need the backing of the Transport and Housing Bureau, so</p> <p>4 the police and the TD can do a better job on a daily</p> <p>5 basis.</p> <p>6 CHAIRMAN: You describe the role of the bureau as giving</p> <p>7 "steer".</p> <p>8 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>9 CHAIRMAN: What steer has the bureau given in respect of</p> <p>10 enhancing safety on franchised buses?</p> <p>11 MS YAU SIN MAN: (Via interpreter) I believe, within the TD,</p> <p>12 there is already a working group that is tasked to look</p> <p>13 at the operation of franchised buses, including the</p> <p>14 licensing system, and how road safety can be ensured.</p> <p>15 Hopefully, this is what the working group of the TD will</p> <p>16 do, that it will put forward more views for the</p> <p>17 enforcement departments to enforce the law and also for</p> <p>18 the policy bureau to make more or better policies to</p> <p>19 protect the public.</p> <p>20 CHAIRMAN: Which working group are you describing?</p> <p>21 MS YAU SIN MAN: (Via interpreter) This morning, I heard</p> <p>22 that there was this working group. Please give me</p> <p>23 a moment.</p> <p>24 CHAIRMAN: If you are describing the Working Group on the</p> <p>25 Enhancement of Safety, that was a working group</p>

Page 157	Page 159
<p>1 established on 13 March of this year. Is that the one 2 you have in mind? 3 MS YAU SIN MAN: (Via interpreter) That's the one. 4 CHAIRMAN: Prior to that, what was the steer being given by 5 the bureau, about enhancing safety? 6 It may be a bit unfair to ask you, but it seems, 7 from the way you have described things, that you are in 8 the position of receiving the benefit of steer which you 9 then have to enforce. The intermediary, the Transport 10 Department, has come up with the implementation of the 11 steer. 12 MS YAU SIN MAN: (Via interpreter) From what I know, at the 13 Transport Department, there is a unit on buses and 14 railways which will watch over services provided by 15 franchised buses and railway companies, and there is not 16 much involvement from the police. It is hoped that the 17 Transport Department can do more through this unit. 18 CHAIRMAN: Is anybody actually driving safety for franchised 19 buses? 20 MR STEPHEN BAKER: For franchised buses, sir, I can't say 21 that -- it's not within my knowledge that anyone is 22 specifically for franchised buses. I think the Road 23 Safety Council is a useful forum where ideas are 24 exchanged, where all the different government 25 departments with responsibilities for transport and</p>	<p>1 suggest items for discussion. We are informed by the 2 secretariat of the Transport Department. 3 MS MAGGIE WONG: So it is predominantly driven by the 4 Transport Department? 5 MS YAU SIN MAN: (Via interpreter) Yes, as far as I know. 6 MS MAGGIE WONG: Going on to the last topic, Ms Yau, that's 7 in relation to some of the documents you have provided 8 to the committee on 7 May 2018, in relation to 51 fatal 9 traffic accidents, and your reference is at 124-1 to 10 124-2 of the miscellaneous bundle. 11 Now, my question is focused on asking you some of 12 the examples that you provided here as to the use of 13 black-box data in -- 14 CHAIRMAN: Before you go on, this is not just 51 fatal 15 accidents. It's 51 fatalities occurring on or around 16 a bus, is it not? 17 MS MAGGIE WONG: Yes. 51 fatal accidents in relation to 18 a franchised bus. 19 If I may refer to the question first. The question 20 you can see is at page 124. The specific matter which 21 you are tasked to look at is paragraph (2): 22 "Please provide the details of all fatal and/or 23 serious accidents, as defined in the traffic reports, in 24 the period 2012 to February 2014 inclusive, involving 25 [specifically] franchised public buses, including:</p>
Page 158	Page 160
<p>1 traffic are represented. And that forum does give steer 2 to road safety policies. But I'm not aware of 3 a committee that is specifically focusing on franchised 4 buses. 5 CHAIRMAN: Let me come to you again, Chief Superintendent 6 Yau. You are on this committee that does research, the 7 Road Safety Research Committee. Are you aware of any 8 research done by that committee into the benefits of 9 using seat belts on franchised buses, as opposed to the 10 difficulties of getting people to use them? 11 MS YAU SIN MAN: (Via interpreter) From what I remember, we 12 haven't talked about seat belts on franchised buses. 13 I can remember that we discussed child restraint 14 devices, that is seat belts for children. 15 CHAIRMAN: Yes. Thank you for your help. 16 MS MAGGIE WONG: Thank you. 17 Following on that, who would suggest the topics to 18 be discussed at the Road Safety Research Committee? 19 MS YAU SIN MAN: (Via interpreter) Usually, it would be for 20 the Transport Department to provide consultancy papers. 21 We read them before meetings and discuss them at 22 meetings. 23 MS MAGGIE WONG: Has any member raised a topic to be 24 discussed in the Road Safety Research Committee? 25 MS YAU SIN MAN: (Via interpreter) I am not clear who to</p>	<p>1 (i) a brief description of the accident and the 2 resulting fatalities and/or injuries; 3 (ii) a brief description of any consequential 4 prosecution, verdicts, reasons for verdict ..." 5 CHAIRMAN: Before you move on, on behalf of the committee, 6 might we thank Chief Superintendent Cadman, who is not 7 here, and those assisting him, for providing this 8 information. We are conscious that this must have 9 involved a lot of effort to gather together this 10 material and we are very grateful. It was done during 11 a short period of time. 12 MS MAGGIE WONG: Yes, and we are grateful for the provision 13 of documentation. And the 51 fatal accidents involving 14 franchised bus is listed at page 124-4, the dates and 15 the case numbers. 16 It sets out, basically, 30 cases of which 28 cases 17 have been convicted and two acquitted, and that's set 18 out at paragraph 4 of your letter. And 15 case 19 summaries were provided where the driver was not 20 prosecuted and no further action. And three cases with 21 three brief facts only, and case not yet concluded, and 22 two initial reports, are under active investigation, and 23 one case with only case result. 24 The purpose of taking you to these 51 cases is 25 I wanted to show some example to see the use of</p>



Page 161	Page 163
<p>1 black-box data or tachograph data, or the use of 2 braking, deceleration and speed reports, and the use of 3 this in the legal proceedings. 4 If I may first take you to a few examples. It's at 5 page 124-5. That's a case in 2012, 5 September 2012, 6 involving dangerous driving causing death. 7 If we can scroll to page 124-7, the background of 8 this case relates to a fatal traffic accident at 9 To Kwa Wan Road, and paragraph 2, involving a KMB 10 double-decker bus, where an elderly woman was killed 11 when she was walking across the road from a safety 12 island to the other side of the road. 13 We can see at 124-8 that the police, apart from 14 photos, they obtained the driving data from KMB, and 15 also the data would reveal the speed when the bus pulled 16 out from the bus stop, at a particular time, and the 17 acceleration of the bus, the time when the defendant 18 accelerated the bus, and when the bus captain applied 19 the brake and how many times. 20 We have seen a number of examples; this is just one 21 of them. Is this sort of information frequently used in 22 legal proceedings? 23 MS YAU SIN MAN: (Via interpreter) In investigating serious 24 traffic accidents, those that involve fatalities in 25 particular, we will try our very best to get all</p>	<p>1 difficulties in obtaining this black-box data in any 2 non-fatal accidents? 3 MS YAU SIN MAN: (Via interpreter) Where there is really 4 such a black box, we have no difficulty obtaining the 5 data. 6 MS MAGGIE WONG: That's TD-5, page 1597. 7 We will see a letter from the Transport Department, 8 dated 17 October 2003, setting out the minimum 9 requirement for electronic data recording devices being 10 installed, and we can see the specific minimum 11 requirements for electronic data recording device at 12 page 1598. 13 We can see, at paragraph 1: 14 "The purpose of the electronic data recording device 15 is to provide tools for the bus company to monitor and 16 manage the on-road speed- and safety-related behaviour 17 of its buses, and indirectly to encourage better driving 18 behaviour." 19 And the device set out there includes the provision 20 of data at one-second interval, install data every 30 21 seconds for a period of two weeks, which includes the 22 operation time and vehicle speed -- start time, rolling 23 time, idle time, finish time. 24 We will also see in some of the representations 25 given by the KMB and Citybus that they have upgraded the</p>
Page 162	Page 164
<p>1 relevant records, including those captured by CCTV and 2 also the black box. 3 Now, the installation of black box is not statutory, 4 but if it is available we will always get it from the 5 bus. 6 MS MAGGIE WONG: What about non-fatal accidents? 7 MS YAU SIN MAN: (Via interpreter) For accidents without 8 fatalities, but that are serious, if there is a black 9 box available, we will make use of it. 10 CHAIRMAN: Franchised buses have been required since 1 July 11 2004 to have a tachograph, black box, or rather vehicles 12 made after that date. I think the reality is every 13 franchised bus in Hong Kong's got a black box. 14 MS YAU SIN MAN: (Via interpreter) Not all franchised buses 15 have got such. For public light buses, yes, they are 16 all fitted with one, but not for all franchised buses. 17 CHAIRMAN: Could we have the requirement put on the screen? 18 I think we also have statistics coming from the bus 19 companies, telling us how they have retrofitted these 20 things. 21 But you are saying that the police encounter 22 franchised buses that don't have black boxes? Because 23 that is a surprise. 24 MS MAGGIE WONG: Whilst we are looking for this document, 25 may I ask this question: have you encountered</p>	<p>1 black-box data to include more data, and we can see in 2 the TD Paper 8 -- I believe it's TD-1, page 87, and we 3 can see in this -- 4 CHAIRMAN: This is the paper that the Transport Department 5 provided to the committee at the beginning of these 6 proceedings, and I think what your attention is being 7 drawn to is the last sentence in paragraph (c). 8 MS MAGGIE WONG: Yes. 9 CHAIRMAN: "Currently, all franchised buses are equipped 10 with black boxes ..." 11 MS MAGGIE WONG: Yes, "and speed limiters". 12 CHAIRMAN: Perhaps just digressing, we are conscious of the 13 fact that we are concentrating on buses and you have 14 a much wider portfolio. But the question really is 15 this: how much use do you make of the data on black 16 boxes for the purposes of prosecuting? 17 MS YAU SIN MAN: (Via interpreter) As I said, for fatal and 18 serious traffic accidents, we will make use of data from 19 the black box. In police investigation, if the records 20 are there, it won't be difficult for us to obtain the 21 data. Colleagues of the traffic accident investigation 22 unit would take into account all evidence and make 23 prosecutions. 24 MS MAGGIE WONG: Can you tell us whether there is any 25 difficulty as to why this sort of information was not</p>

Page 165	<p>1 used in less serious cases, other than fatal accidents?</p> <p>2 MS YAU SIN MAN: (Via interpreter) Well, all facts of the</p> <p>3 case are different. For less serious traffic accidents,</p> <p>4 if just a trip or minor injury, it is not a serious</p> <p>5 traffic accident, and the investigation direction would</p> <p>6 be different. So, in investigation of each and every</p> <p>7 case, depending on the facts of the case, we will see</p> <p>8 whether it is necessary to obtain such data regardless</p> <p>9 of whether it is serious or not.</p> <p>10 MS MAGGIE WONG: In all these cases, do you know whether</p> <p>11 this evidence, in terms of black-box data and speed</p> <p>12 reports, or acceleration reports/deceleration reports,</p> <p>13 has ever been challenged in court?</p> <p>14 MS YAU SIN MAN: (Via interpreter) I don't have such</p> <p>15 information with me now.</p> <p>16 MS MAGGIE WONG: Insofar as the 51 cases --</p> <p>17 CHAIRMAN: Just allow the translation, if you would.</p> <p>18 MS MAGGIE WONG: I apologise.</p> <p>19 CHAIRMAN: Before you move on, could you make enquiries as</p> <p>20 to that and provide us with an answer?</p> <p>21 MS YAU SIN MAN: (Via interpreter) Yes.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 MS MAGGIE WONG: Would you find it useful -- I understand</p> <p>24 that the public light bus has a specific provision in</p> <p>25 the ordinance itself governing the admissibility of this</p>	Page 167	<p>1 So my question is: would the police welcome</p> <p>2 an amendment similar to the statutory provisions</p> <p>3 applicable to public light buses, in admitting this</p> <p>4 evidence in relation to black-box data?</p> <p>5 MS YAU SIN MAN: (Via interpreter) I agree.</p> <p>6 MS MAGGIE WONG: Mr Chairman, subject to finding the</p> <p>7 appropriate statutory provision, I have completed my</p> <p>8 questioning.</p> <p>9 CHAIRMAN: Very well.</p> <p>10 MS YAU SIN MAN: (Via interpreter) Can I please add</p> <p>11 something?</p> <p>12 Just now, we talked about the 51 fatal cases. Since</p> <p>13 we did not have time to prepare the documents, actually</p> <p>14 there was one, which is number 19, that was about the</p> <p>15 PLB. It was not about a franchised bus. Therefore,</p> <p>16 there should be 50 fatal accidents.</p> <p>17 CHAIRMAN: Thank you. So no franchised bus involved?</p> <p>18 MS YAU SIN MAN: (Via interpreter) There was not.</p> <p>19 MS MAGGIE WONG: I believe that should be Cap 374A, the Road</p> <p>20 Traffic (Public Service Vehicles) Regulations.</p> <p>21 CHAIRMAN: Yes, these are the specifications for the device,</p> <p>22 but then there is an evidential provision, is there not?</p> <p>23 Perhaps section 25. No.</p> <p>24 Perhaps scroll through section 24, please. Yes. Go</p> <p>25 through the section. Yes.</p>
Page 166	<p>1 type of electronic data recording device evidence.</p> <p>2 CHAIRMAN: Could we bring that up on the screen?</p> <p>3 MS MAGGIE WONG: Yes.</p> <p>4 CHAIRMAN: This is a provision to make it easier to</p> <p>5 prosecute by using the black-box data.</p> <p>6 MS MAGGIE WONG: Yes.</p> <p>7 CHAIRMAN: Do we have any references for the ordinance?</p> <p>8 MS MAGGIE WONG: Mr Chairman, we are locating the document.</p> <p>9 But may I make the point first and -- or may we have</p> <p>10 a few seconds?</p> <p>11 CHAIRMAN: Yes, of course. Is there a separate ordinance</p> <p>12 that deals with this?</p> <p>13 MS MAGGIE WONG: Yes, that's the road safety ...</p> <p>14 CHAIRMAN: Cap 374?</p> <p>15 MS MAGGIE WONG: Cap 374.</p> <p>16 CHAIRMAN: And it's therefore a separate part of the general</p> <p>17 Road Traffic Ordinance?</p> <p>18 MS MAGGIE WONG: Yes.</p> <p>19 CHAIRMAN: Well, no doubt someone can look for that while we</p> <p>20 move on.</p> <p>21 MS MAGGIE WONG: Yes. In general terms, there is a specific</p> <p>22 provision, following amendment of the ordinance itself,</p> <p>23 to cater for admissibility of evidence for electronic</p> <p>24 data recording device in public light buses, which makes</p> <p>25 the prosecution adducing evidence much easier.</p>	Page 168	<p>1 Well, no doubt it can be located in due course, but</p> <p>2 there is an evidential provision.</p> <p>3 Can any of the police representatives present assist</p> <p>4 us as to what use, if any, is made of this evidential</p> <p>5 provision in relation to PLBs; how many prosecutions</p> <p>6 involve reliance on the fact that the speed of the</p> <p>7 vehicle can be established by the black box?</p> <p>8 MR LEE TAI WAI: (Via interpreter) From what we understand,</p> <p>9 right now we do not have accurate figures at hand as to</p> <p>10 the invocation of such data from EDRD, but I can recall</p> <p>11 one case in which the device was challenged by the</p> <p>12 defence at court, and both sides supplied experts to</p> <p>13 debate the legality and accuracy of the device. And the</p> <p>14 conclusion was that the court accepted the EDRD, and</p> <p>15 also the case was successfully prosecuted.</p> <p>16 CHAIRMAN: There is another aspect of the different</p> <p>17 legislation for PLBs which is relevant to one of our</p> <p>18 considerations, and that is whether or not franchised</p> <p>19 buses ought to have speed display units that one sees on</p> <p>20 a PLB, telling the passengers what the speed of the</p> <p>21 vehicle is.</p> <p>22 The question that arises from that is this. Have</p> <p>23 any difficulties arisen with conflicts between</p> <p>24 passengers and PLB drivers as a result of the fact that</p> <p>25 the passengers can see, for example, that the PLB driver</p>

Page 169	Page 171
<p>1 is breaking the speed limit all the journey, and they 2 remonstrate? Any difficulties with that? 3 MS YAU SIN MAN: (Via interpreter) We haven't met with such 4 difficulty. I believe, if passengers can see the speed 5 of the vehicle, it can more effectively ensure traffic 6 safety. 7 MS MAGGIE WONG: Mr Chairman, I have located the relevant 8 provision. 9 CHAIRMAN: Thank you. But before you move on to that -- 10 have there been any incidents when, for example, members 11 of the public travelling on a PLB take a photograph of 12 the speed display unit and produce that in relation to 13 their complaint? Are you aware of that? 14 MR LEE TAI WAI: (Via interpreter) We don't have such 15 information here. 16 CHAIRMAN: Yes, Ms Wong. 17 MS MAGGIE WONG: Mr Chairman, that would be in section 67A 18 of the Road Traffic Ordinance itself. 19 CHAIRMAN: Yes. 20 MS MAGGIE WONG: If we look to subsection (6), this is 21 a section in relation to EDRD, electronic data recording 22 device, and it is a section on power to retrieve 23 electronic data, and if we look at subsection (6), it is 24 stated there: 25 "In any criminal proceedings, a document purporting</p>	<p>1 toppled over, and I think there, rather than using 2 black-box material, they were using CCTV film which 3 showed the speed. 4 MS YAU SIN MAN: (Via interpreter) In the police's 5 investigation of accidents, we can also use the film 6 captured by CCTV on vehicles, but we need witnesses to 7 supply the evidence. The images and oral evidence have 8 to be combined, and this can be used for prosecution. 9 CHAIRMAN: Just dealing with the CCTV, this is commonly used 10 in prosecutions for all kinds of things, is it not: bank 11 robberies, and so on, murders? 12 MS YAU SIN MAN: (Via interpreter) Indeed, this is used in 13 many criminal prosecutions. 14 CHAIRMAN: Right. So what are the witnesses that you need 15 in relation to the camera itself? 16 MS YAU SIN MAN: (Via interpreter) I think we need the 17 author of the film say who installed the CCTV and did 18 anyone tamper with the images of the CCTV film. 19 CHAIRMAN: So section 22 of the Evidence Ordinance? It's 20 a computer, isn't it, the CCTV? 21 MS YAU SIN MAN: (Via interpreter) Well, not necessarily 22 a computer. It may be a chip, or it may be an audio 23 tape. 24 CHAIRMAN: So you need someone to say it was installed, it 25 was working properly and no one has interfered with it?</p>
Page 170	Page 172
<p>1 to be a record of the data retrieved under subsection 2 (5)(b) is admissible as evidence of the matters 3 appearing from the record without further proof." 4 And (5)(b) is, as we can see, the data stored in the 5 fitted EDRD to be retrieved by a vehicle examiner or any 6 person authorised by the Commissioner of Police, and 7 that's the provision in relation to public light buses. 8 CHAIRMAN: And I think, Chief Superintendent Yau, you agreed 9 that you would welcome such a provision in respect of 10 franchised buses? 11 MS YAU SIN MAN: Yes, I agree. 12 MS MAGGIE WONG: Yes. Mr Chairman, I have completed my 13 questioning in this regard. 14 CHAIRMAN: Thank you. 15 Just one or two matters remaining. 16 QUESTIONING BY COMMITTEE 17 We know that in relation to the availability of 18 black-box data, there is now available, it seems, on 19 many buses, CCTV film of the events, in particular 20 forward-looking cameras that allow you to see what has 21 happened, and perhaps cameras that actually record the 22 instruments in the cab of the driver. 23 Is film obtained from such cameras used in 24 prosecutions? I have in mind one of the 50, as it now 25 is, fatal accidents, the one at Lei Yue Mun where a bus</p>	<p>1 So it's a technician you need, not a witness to the 2 event? 3 MS YAU SIN MAN: (Via interpreter) Well, then it depends on 4 how advanced the camcorder is. Sometimes the vehicle 5 owner can be that person or sometimes you need 6 a technician. 7 CHAIRMAN: We are ourselves concerned with franchised buses, 8 and they don't even allow their bus captains to put 9 their own cameras on board, so these are cameras 10 installed by the bus companies, maintained by the bus 11 companies, and we have seen where they are located and 12 we have seen the devices -- there are actually black 13 boxes on which this data is recorded. 14 MS YAU SIN MAN: (Via interpreter) I believe franchised bus 15 companies must have their devices monitored. I don't 16 think the bus captains can remove them, because apart 17 from data with regard to the driving, in fact the bus 18 companies may need the information for management. 19 Therefore, the CCTV of the franchised buses 20 of course is managed by the bus companies. We 21 understand that. 22 CHAIRMAN: Of course, and the bus companies have IT 23 departments, so it is simplicity itself, is it not, to 24 establish the installation, the lack of interference, 25 therefore the validity of the CCTV film?</p>

Page 173	Page 175
<p>1 You ask the KMB to give you a witness statement</p> <p>2 saying that everything was working, that proves it.</p> <p>3 Therefore, this is readily available material.</p> <p>4 MS YAU SIN MAN: (Via interpreter) I don't know how much</p> <p>5 time they need to have it prepared, and I hope, in</p> <p>6 an investigation, I want them to be able to provide it</p> <p>7 as soon as possible.</p> <p>8 CHAIRMAN: Mr Auyeung.</p> <p>9 MEMBER AUYEUNG: Thank you, Chairman. I want to come back</p> <p>10 to this Road Safety Council, and maybe the two chief</p> <p>11 superintendents can help me.</p> <p>12 In your involvement with the two committees, are you</p> <p>13 able of any recommendation that has ever been made to</p> <p>14 the TDB by this council regarding safety issues?</p> <p>15 MR STEPHEN BAKER: There were not any new initiatives</p> <p>16 proposed at the two meetings that I attended.</p> <p>17 MEMBER AUYEUNG: Or even looking back at minutes, are you</p> <p>18 aware of any recommendations made by this council to the</p> <p>19 TDB or the TDB turned it down for whatever reason?</p> <p>20 MR STEPHEN BAKER: No, I'm not aware. I read through the</p> <p>21 minutes of the last probably year, but I'm not aware of</p> <p>22 any proposals being rejected in such a way.</p> <p>23 Thank you.</p> <p>24 Ms Yau, the same question.</p> <p>25 MS YAU SIN MAN: (Via interpreter) I think I will have to</p>	<p>1 engineering is more of a TD and Highways area. Yes.</p> <p>2 MEMBER LO: Okay.</p> <p>3 CHAIRMAN: Ms Wong, are there any questions arising from the</p> <p>4 questions of the committee?</p> <p>5 MS MAGGIE WONG: No. Thank you, Mr Chairman.</p> <p>6 CHAIRMAN: In which case, it remains for the committee to</p> <p>7 thank you for your assistance over this long day, and to</p> <p>8 invite you to provide the material that we have</p> <p>9 identified that you are going to seek to help us with.</p> <p>10 We will do the best we can to put that together as</p> <p>11 a list and we will send that to you as soon as we can,</p> <p>12 with references to the transcript so that you will be</p> <p>13 able to follow what it is that you were asked to</p> <p>14 provide.</p> <p>15 In those circumstances, our evidence is finished</p> <p>16 today, and we will resume our hearing on Thursday.</p> <p>17 Thank you.</p> <p>18 (5.34 pm)</p> <p>19 (The hearing adjourned until 9.00 am on</p> <p>20 Thursday, 27 September 2018)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 174	Page 176
<p>1 see what research studies have been done in the past few</p> <p>2 years that might have mentioned safety measures. I have</p> <p>3 to check first.</p> <p>4 MEMBER AUYEUNG: Thank you, Mr Chairman.</p> <p>5 CHAIRMAN: Prof Lo?</p> <p>6 MEMBER LO: I have two questions. The first one is does the</p> <p>7 TD regularly study the accident statistics on a regular</p> <p>8 basis to figure out what can be improved, or is that</p> <p>9 part of TD's job to do so?</p> <p>10 MR STEPHEN BAKER: Yes, the TD go through the traffic</p> <p>11 accident statistics and present their findings at the</p> <p>12 Road Safety Council.</p> <p>13 MEMBER LO: So the police does not do that?</p> <p>14 MR STEPHEN BAKER: The police do it in order to target our</p> <p>15 enforcement, and also to help in designing publicity</p> <p>16 material and the targeted audience for publicity</p> <p>17 material.</p> <p>18 MEMBER LO: So is it fair to say that the role of the police</p> <p>19 is really enforcement, accident investigation, and</p> <p>20 maintaining the database, that would be basically the</p> <p>21 major functions?</p> <p>22 MR STEPHEN BAKER: Yes. I mean, the overall safety strategy</p> <p>23 is the three Es: engagement, engineering and</p> <p>24 enforcement. And the police have the major part of the</p> <p>25 enforcement, obviously, and some of the engagement. But</p>	<p>1 INDEX</p> <p>2 PAGE</p> <p>3 EVIDENCE FROM THE HONG KONG POLICE FORCE: MS CHAN ....</p> <p>4 YI PING, MR STEPHEN BAKER, MS YAU SIN MAN, MR</p> <p>5 LEE TAI WAI, MR CHEUNG TIN LOK (simultaneous</p> <p>6 interpretation was used where indicated)</p> <p>7 Examination by MS MAGGIE WONG .....1</p> <p>8 QUESTIONING BY COMMITTEE .....170</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>