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<p>1 Thursday, 4 October 2018</p> <p>2 (10.01 am)</p> <p>3 EVIDENCE FROM THE TRANSPORT DEPARTMENT: MS MABLE CHAN,</p> <p>4 MS AMY LEE, MS AMY TSE, MR PATRICK WONG, MR YK CHAN,</p> <p>5 MR WILLIAM SHUM, MR TONY YAU</p> <p>6 CHAIRMAN: Good morning, Ms Chan, and good morning to your</p> <p>7 colleagues.</p> <p>8 Thank you for accepting our invitation to give</p> <p>9 further evidence to the committee, to assist us in our</p> <p>10 enquiries.</p> <p>11 At the outset, I would like to make a few</p> <p>12 observations about what happened yesterday. Yesterday,</p> <p>13 at 5 o'clock, we received a bundle of documents from the</p> <p>14 Transport Department. One of them is what appears to be</p> <p>15 the final version of the report of the Working Group on</p> <p>16 Enhancement of Safety of Franchised Buses, but we</p> <p>17 received new documents dealing with the implementation</p> <p>18 of a road safety audit and a study on low speed limit</p> <p>19 zones. We received other material in relation to</p> <p>20 facilities, the arrangements that are made, for bus</p> <p>21 captains at bus stations.</p> <p>22 Now, service of documents at 5 o'clock on the day</p> <p>23 before a hearing obviously causes difficulties to</p> <p>24 counsel who are assisting the inquiry, because certainly</p> <p>25 so far as speed limits are concerned, low speed limits,</p>	<p>1 apology for that. But hopefully, that will also serve</p> <p>2 as a reference material for the committee. We are not</p> <p>3 expecting the committee to take that into account in</p> <p>4 a very detailed way in hearing our further evidence to</p> <p>5 that, but in any event, we would just like to keep the</p> <p>6 committee posted of some of the developments within the</p> <p>7 government and within the department, and actually in</p> <p>8 parallel we are seeking dedicated resources to push</p> <p>9 forward a number of those initiatives. So we think that</p> <p>10 it may help to give the committee an idea of what we are</p> <p>11 thinking and what we are planning to do.</p> <p>12 Thank you, Chairman.</p> <p>13 CHAIRMAN: Thank you for that, and thank you for your</p> <p>14 confirmation that you are following the evidence that we</p> <p>15 are receiving, and from what I understand you to be</p> <p>16 saying that you are proactively responding to it, as is</p> <p>17 obvious from the topics that you have looked at. That</p> <p>18 is to be welcomed. That is the journey that we are all</p> <p>19 embarked on and we are pleased to learn that.</p> <p>20 But let me give you an example. Apparently, in</p> <p>21 August of this year, a department of the Transport</p> <p>22 Department which goes by the initials VSSD issued a new</p> <p>23 requirement, basic minimum requirement, for electronic</p> <p>24 data recording device. That is August, the document is</p> <p>25 dated. Why are we not told about it until October? And</p>
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<p>1 20 miles an hour or its equivalent in kilometres, is</p> <p>2 an area where there is a wealth of material to which you</p> <p>3 will, in due course, be referred, to assist us. But of</p> <p>4 course that material isn't available now. It has to be</p> <p>5 found. It has to be put into our bundles. It has to be</p> <p>6 scanned so that it can be put on the screens, and so on.</p> <p>7 May I simply ask this question: why is it that the</p> <p>8 documents were served on us at 5 o'clock yesterday?</p> <p>9 MS MABLE CHAN: Chairman, if I may? On behalf of the</p> <p>10 department, I would just like to send apologies to the</p> <p>11 committee for the late delivery of the papers.</p> <p>12 Actually, we have followed through the oral hearings</p> <p>13 since May, when I last attended the hearing at the</p> <p>14 committee, and we actually followed through carefully</p> <p>15 and we noted a number of important areas that the</p> <p>16 committee have expressed keen interest. Amongst those,</p> <p>17 we are actually giving thought to a number of important</p> <p>18 initiatives that we have to secure internal clearance</p> <p>19 and also we are securing additional dedicated resources</p> <p>20 to implement those initiatives.</p> <p>21 So we would love to send those material across to</p> <p>22 the committee to facilitate your consideration and</p> <p>23 deliberation at an earlier juncture. Obviously, due to</p> <p>24 a number of pressing urgent commitments, so we would not</p> <p>25 be able to do that earlier. So I would send my deep</p>	<p>1 this is a topic we have been raising with various</p> <p>2 witnesses. Why is it that we are all operating from</p> <p>3 a requirement promulgated in November 2003, but in fact</p> <p>4 it's been superseded? Why was this not drawn to our</p> <p>5 attention?</p> <p>6 MS MABLE CHAN: Chairman, that August update is actually</p> <p>7 a development arising from the deliberation of the</p> <p>8 Working Group on Enhancement of Bus Safety. The working</p> <p>9 group has actually gone through a number of rounds of</p> <p>10 discussions with the various parties involved, and that</p> <p>11 transpired to some of the updates.</p> <p>12 With hindsight, we should have done that, on that</p> <p>13 particular update, on that document, and informed the</p> <p>14 committee on that occasion, but we actually have</p> <p>15 incorporated that as part of the whole working group</p> <p>16 report.</p> <p>17 Let me just add a personal remark to that. It is</p> <p>18 actually our pledge in previous hearings and in previous</p> <p>19 submissions that we would like to complete the working</p> <p>20 group first-stage study within six months. Due to the</p> <p>21 various urgent commitments cropping up, especially in</p> <p>22 the midst of the super typhoon, we have not been able to</p> <p>23 schedule the last working group meeting with our bus</p> <p>24 operators in early September. Our original target is to</p> <p>25 finish it by then. So the last meeting had to be</p>

<p style="text-align: right;">Page 5</p> <p>1 rescheduled to mid-September, and we actually made some 2 fine-tunes to the working group report and made sure 3 that everybody is well aware of the recommendations and 4 the findings of the working group report. 5 We sent the working group report to the committee at 6 5.00 last evening, it's actually subsequent to our -- 7 CHAIRMAN: Forgive me for interrupting. Well, that's 8 an improvement, because in the past we've been getting 9 documents during the night, so at least we got it at 10 5 o'clock and we are grateful for that. 11 MS MABLE CHAN: We certainly want to improve and we strive 12 for the best, and my deep apology to the chairman for 13 causing you difficulty and inconvenience, but we would 14 like to keep you posted of any of our initiatives in 15 a timely manner. Thank you, Chairman. 16 CHAIRMAN: The problem is not for the committee. The 17 problem is for our counsel, because it is their job to 18 assist us by testing the evidence that you advance, and 19 in order to do so, they have to draw your attention to 20 relevant documents that perhaps you have not provided 21 but they are nevertheless relevant, and they can't do 22 that in the time that they have been allowed. But thank 23 you for what you have had to say. 24 Before I invite counsel to begin questioning, is 25 there any statement that you wish to make at the outset?</p>	<p style="text-align: right;">Page 7</p> <p>1 requirements. 2 Since May, we have provided supplementary 3 information for reference of the committee at the 4 committee's request and suggestion. Today, we stand 5 ready to answer any questions or issues to be raised by 6 the committee. 7 I just wish to highlight a few things to address 8 a number of aspects on which we think the committee has 9 expressed keen interest. 10 First of all, we have been taking some proactive 11 action in enhancing road safety and developing our road 12 safety management system. To ensure continuous 13 improvement of the system, the department reviews it 14 with reference to overseas practices and experience from 15 time to time. Apart from preparing in late 2017 for 16 embarking on a consultancy study on the review of 17 potential roadside safety hazards in the Hong Kong road 18 network in May this year, following a recent review in 19 May, we have identified a further area of improvement to 20 strengthen the performance evaluation and auditing of 21 the system by introducing a road safety audit mechanism 22 within the Transport Department. 23 We have proposed to set up a dedicated team to 24 implement road safety audit to all new roads, to enhance 25 road safety in a proactive, comprehensive and systematic</p>
<p style="text-align: right;">Page 6</p> <p>1 MS MABLE CHAN: Chairman, I know time is precious, and if 2 you allow I would just like to make brief remarks, just 3 to highlight a few things in response to the interest 4 areas that the committee has indicated and expressed 5 over the last few months. 6 CHAIRMAN: Please do so. 7 Opening statement by MS MABLE CHAN 8 MS MABLE CHAN: Thank you. 9 Chairman and members of the committee, my team and 10 I are pleased to appear today before the committee today 11 to give further oral evidence in support of the 12 committee's work. 13 Since our last attendance at the hearings in May, we 14 know that the committee has invited other parties to 15 provide oral evidence and have closely followed through 16 the submissions made by various parties. 17 As the mission of the Transport Department tells, we 18 strive to provide the world's best transport system 19 which is safe, reliable, efficient, environmentally 20 friendly, and satisfying to both users and operators. 21 Safety is of utmost importance to the transport 22 operation, including the provision of franchised bus 23 services. To this end, we have been trying our very 24 best to monitor franchised bus operations in accordance 25 with the law and having regard to the franchise</p>	<p style="text-align: right;">Page 8</p> <p>1 manner, and are securing dedicated manpower resources in 2 this regard. 3 I wish to add that late last week, we have just got 4 information from the Financial Services and the Treasury 5 Bureau that we would be able to get a few spare hands 6 approved for implementing this road safety audit, and it 7 is on that basis that we can confirm that we will 8 implement this audit mechanism within the department in 9 the coming months. 10 Secondly, the Working Group on Enhancement of Safety 11 of Franchised Buses has completed its first six-month 12 study and come up with a number of recommendations to 13 further enhance bus safety, including the feasibility of 14 installation of in-vehicle safety devices and equipment 15 and review of training for bus captains. 16 Chairman, this is not the end, but rather 17 a beginning. The working group will continue its work 18 and will meet on a regular basis so as to monitor the 19 progress of follow-up actions and review the practice 20 note on training framework for bus captains to achieve 21 the best possible industry standard practices. 22 Meanwhile, I would like to report that the Transport 23 Department is actively taking forward the 24 recommendations of the working group, including the 25 various development and tests, trials and feasibility</p>

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<p>1 studies, with the FB operators and bus manufacturers.</p> <p>2 One of the initiatives that the working group has</p> <p>3 been pushing for is the development of a prototype of</p> <p>4 the bus monitoring and control system, BMCS in short,</p> <p>5 for franchised buses. This embraces the black box, GPS,</p> <p>6 geo-fencing, two-stage speed limiter with mapping</p> <p>7 against the statutory speed limits.</p> <p>8 As a first step, in particular Citybus and New World</p> <p>9 First Bus have embarked on the phase 1 trial of the BMCS</p> <p>10 on their whole fleet since 18 September this year,</p> <p>11 whereby real-time audio alerts will be provided to the</p> <p>12 bus captains when the vehicle speed exceeds the</p> <p>13 corresponding legal speed limit.</p> <p>14 Apart from overseeing such trials by franchised bus</p> <p>15 operators, the Transport Department sees the need to</p> <p>16 push it from ourselves by engaging a service provider to</p> <p>17 carry out an independent trial on vehicles, to evaluate</p> <p>18 the applicability and effectiveness of using geo-fencing</p> <p>19 technology to control vehicle speed, which is one of the</p> <p>20 vital parts of the BMCS.</p> <p>21 We will review the outcome of the trials and will</p> <p>22 have further discussions with bus operators with a view</p> <p>23 to developing a clear roadmap for enhancing the</p> <p>24 franchised bus monitoring through implementation of the</p> <p>25 BMCS.</p>	<p>1 overseeing the management of such facilities and also</p> <p>2 regarding the funding arrangements.</p> <p>3 With the latest review of the guidelines of bus</p> <p>4 captains' working hours, rest times and meal breaks in</p> <p>5 early 2018, franchised bus operators have started to</p> <p>6 implement the latest guidelines by phases since the</p> <p>7 second quarter of 2018, targeting for full compliance by</p> <p>8 the second quarter of 2019, subject to the recruitment</p> <p>9 of sufficient bus captains to fill up the shortfall</p> <p>10 arising from the shortening of duty hours and driving</p> <p>11 hours of bus captains.</p> <p>12 Bus operators have been trying hard to recruit new</p> <p>13 bus captains and retain the existing bus captains,</p> <p>14 including improvement in the remuneration packages.</p> <p>15 This will inevitably have an impact on the franchised</p> <p>16 bus operators' accounts. A number of developments are</p> <p>17 happening on this front and I would like to report that</p> <p>18 by now the government has just received fare increase</p> <p>19 applications for all of the bus operators, and we will</p> <p>20 take every effort to process these applications in</p> <p>21 a timely manner and go through the due process,</p> <p>22 including consultation with the various approving</p> <p>23 authorities within the government.</p> <p>24 Finally, Chairman and members of the committee, it</p> <p>25 has always been my intention to personally attend before</p>
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<p>1 Meanwhile, we are also in the process of securing</p> <p>2 manpower resources to have a dedicated team to oversee</p> <p>3 transport technology, which will help speed up the</p> <p>4 process of such trials and initiatives.</p> <p>5 Thirdly, we are equally concerned with the welfare</p> <p>6 of the bus captains and assisting in every possible way</p> <p>7 in facilitating the provision of ancillary facilities at</p> <p>8 the bus termini. Since December 2017, the Transport</p> <p>9 Department has set up a task force with representatives</p> <p>10 of relevant government departments and franchised bus</p> <p>11 operators, to monitor the provision or upgrading of the</p> <p>12 public transport ancillary facilities at public</p> <p>13 transport interchanges, bus stops and termini, and will</p> <p>14 continue to work closely with the relevant approving</p> <p>15 authorities through regular meetings, with a view to</p> <p>16 speeding up the processing of the applications.</p> <p>17 Looking ahead, we will explore in consultation with</p> <p>18 relevant government bureaus and departments to pursue</p> <p>19 along the approach of providing such ancillary</p> <p>20 facilities at new public transport interchanges and bus</p> <p>21 termini at government cost, while the franchised bus</p> <p>22 operators will pay the rent and recurrent costs for</p> <p>23 using these facilities.</p> <p>24 In this regard, we will have to pursue this and take</p> <p>25 it further with the relevant bureaus and departments</p>	<p>1 the committee during the whole hearing today.</p> <p>2 Regrettably, due to an urgent commitment to attend</p> <p>3 a special meeting of the Legislative Council House</p> <p>4 Committee later this afternoon to discuss the aftermath</p> <p>5 issues arising from the super typhoon which cannot be</p> <p>6 rescheduled, I will have to apologise for not joining</p> <p>7 you throughout the hearing today, but please rest</p> <p>8 assured that my team members appearing today will</p> <p>9 continue to offer the best support to the committee for</p> <p>10 the rest of the hearing, and if necessary for the</p> <p>11 hearing on Saturday I will be able to join the rest of</p> <p>12 my team to help the committee for your work.</p> <p>13 Thank you very much, Chairman.</p> <p>14 CHAIRMAN: Thank you, Ms Chan, and thank you for your</p> <p>15 explanation which we were informed of in advance about</p> <p>16 your unavailability this afternoon. Of course we</p> <p>17 understand that, and I hope that the commencement of</p> <p>18 proceedings today hasn't given you a bad start to that</p> <p>19 whole day.</p> <p>20 But I would ask counsel now to start asking</p> <p>21 questions. Thank you.</p> <p>22 MS MABLE CHAN: Thank you.</p> <p>23 Examination by MR DEREK CHAN</p> <p>24 MR DEREK CHAN: Thank you, Ms Chan, for those opening</p> <p>25 remarks. I will be kicking off the questions today on</p>

<p style="text-align: right;">Page 13</p> <p>1 a number of copies topics, and Ms Maggie Wong, senior 2 counsel, will carry on questioning on other topics, 3 possibly later today or on Saturday, so it will be 4 mostly me today. 5 Ms Chan, can I start off with the first topic, and 6 that is on the issue of competitive tendering in 7 Hong Kong, and by competitive tendering I am referring 8 to both competitive tendering of franchises as a whole 9 or individual bus routes. 10 Just to give you some context to my questioning, the 11 committee has heard evidence from two overseas experts, 12 Mr Weston and Prof Stanley, on the operating environment 13 of urban buses in London and Melbourne respectively. 14 Have you had an opportunity to go through that evidence? 15 MS MABLE CHAN: Yes. 16 MR DEREK CHAN: In that case, rather than taking you in 17 detail through the report, perhaps I will just summarise 18 the position so that the questions I am about to ask 19 will have some proper context. 20 Firstly, the situation in London is that all urban 21 bus routes are open for competitive tender, with 22 contract lengths of five years plus a possible extension 23 of two years, after which the route will be open to 24 competitive tendering again. So that's the situation in 25 London. The market is dominated by six large bus</p>	<p style="text-align: right;">Page 15</p> <p>1 KMB. I'm taking you to the 2015 annual report at KMB-5, 2 page 1523. 3 CHAIRMAN: For which year? 4 MR DEREK CHAN: 2015. 5 CHAIRMAN: Thank you. 6 MR DEREK CHAN: Do you have that, Ms Chan? 7 MS MABLE CHAN: Yes. 8 MR DEREK CHAN: You are looking at page 32 of the annual 9 report for 2015, which is page 1523 of our bundle. Can 10 I just draw your attention to the column at the 11 right-hand side of the page, at the first paragraph of 12 that column. I will just read it out into the record: 13 "In 2015, two competitive tendering exercises for 14 new bus routes were finalised by the HKSAR Government, 15 and KMB was awarded both tenders. As a result of the 16 first tender, routes 290 and 290A were introduced in 17 March 2015 to operate between Tseung Kwan O and 18 Tsuen Wan. The call for tenders for the route package 19 for Anderson Road Development Area was made in mid-2015 20 and KMB was notified that it had been awarded the tender 21 in November 2015. Services on the routes will commence 22 in phases from the first quarter of 2016 in line with 23 the population intake." 24 So there is a reference to some competitive 25 tendering of routes in Hong Kong. So, in the context of</p>
<p style="text-align: right;">Page 14</p> <p>1 groups, comprising of around 94 per cent of the bus 2 network. 3 Mr Chairman, just for the reference, on record, 4 that's the expert bundle, page 126, in Mr Weston's 5 report. 6 CHAIRMAN: Yes. I'm familiar with the table. 7 MR DEREK CHAN: So that's London. 8 In Melbourne -- again, since you have been through 9 the evidence, I will just summarise it instead of going 10 to the report -- about two-thirds of the bus network in 11 Melbourne are subject to negotiated contracts, and there 12 are about 15 contracts with 12 operators. 13 Again, just as a matter of reference, that's Day 16 14 of the evidence, page 34, line 3. 15 Secondly, about one-third of the bus network in 16 Melbourne is provided for by way of a single contract 17 across a defined spatial area that is subject to 18 competitive tendering. The contract length would be 19 seven years. 20 Again, the reference, if I may just put it on 21 record, is Day 16 of the evidence, pages 22 to 27. 22 So that's the position in London and Melbourne. 23 Now, in Hong Kong, before I ask questions on that, 24 can I just take you to an annual report of Transport 25 International Holdings, which is the parent company to</p>	<p style="text-align: right;">Page 16</p> <p>1 all of this, I have a number of questions for you. The 2 first one is: what is the scale of competitive tendering 3 that exists in Hong Kong at the moment? 4 MS MABLE CHAN: I do not have the ready figure in 5 quantifiable terms, but as this statement in the KMB 6 report pointed out, there have been a number of 7 occasions whereby, should there be a new town 8 development, a new social transport need emerging, or 9 there is any particular circumstances whereby a package 10 of routes would involve profit-making or 11 non-profit-making, then the Transport Department will 12 venture out to proceed with competitive tendering. 13 Let me quote a recent example. It is the high speed 14 rail station in West Kowloon. We have introduced three 15 routes, one from Admiralty to West Kowloon, the other 16 one is from Kwun Tong to West Kowloon, and the last one 17 is from Sheung Shui to West Kowloon. We have actually 18 discussed the needs and designed the routing, and then 19 we have packaged the tender exercise in a way to 20 facilitate competitive bidding, while striving for 21 a sustainable financial operation of the routes 22 involved. 23 The outcome is that -- colleagues perhaps may 24 supplement on that -- one route is awarded to Citybus 25 Ltd --</p>

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<p>1 CHAIRMAN: I was at that bus station yesterday.</p> <p>2 MS MABLE CHAN: Yes. One route is awarded to Citybus Ltd</p> <p>3 and two routes are awarded to KMB.</p> <p>4 For the reference of the committee, in the last two</p> <p>5 routes awarded to KMB, our internal guesstimate is that</p> <p>6 one of the routes would not be profit-making, and it is</p> <p>7 through this competitive tendering strategy that we</p> <p>8 would like to invite competition, although the spatial</p> <p>9 area of the new routes may be perceived to be well</p> <p>10 served or well covered by KMB, that doesn't stop us from</p> <p>11 venturing out to proceed with competitive tendering to</p> <p>12 attract competition while achieving sustainable</p> <p>13 financial operation of the routes involved.</p> <p>14 Let me also quote another example. It's the</p> <p>15 Hong Kong-Zhuhai-Macau Bridge new routes. We also</p> <p>16 proceed with a competitive tendering whereby we have</p> <p>17 awarded at least one route to the New Lantao Bus Co Ltd,</p> <p>18 and the route actually straddles service areas which is</p> <p>19 currently also served by the major bus companies like</p> <p>20 KMB.</p> <p>21 My point is just to answer senior counsel's question</p> <p>22 that under our current franchise model, we will also</p> <p>23 proceed with competitive, route-by-route, tendering</p> <p>24 exercise.</p> <p>25 Thank you.</p>	<p>1 CHAIRMAN: Five bus companies?</p> <p>2 MS MABLE CHAN: Yes.</p> <p>3 CHAIRMAN: Were these tenders in that restricted market --</p> <p>4 were they promulgated publicly so it was known by</p> <p>5 an interested member of the public that this exercise</p> <p>6 was going on?</p> <p>7 MS AMY TSE: Before we conduct the operator selection</p> <p>8 exercise, when we plan the routing, we will consult the</p> <p>9 district councils involved on the routings and the</p> <p>10 details.</p> <p>11 CHAIRMAN: Did you inform the district councils that you</p> <p>12 proposed to embark upon a tendering exercise restricted</p> <p>13 to these five bus companies?</p> <p>14 MS AMY TSE: We will inform them that we will select the</p> <p>15 operators and based on the routings and the details and</p> <p>16 any comments they can provide.</p> <p>17 CHAIRMAN: So you were consulting them about routes, not</p> <p>18 about how you were going to tender? Is that the</p> <p>19 position?</p> <p>20 MS AMY TSE: Yes.</p> <p>21 CHAIRMAN: So, if an interested member of the public wanted</p> <p>22 to find out about, for example, West Kowloon -- we've</p> <p>23 built this new bus station, next to the Express Rail</p> <p>24 station -- who's going to be running the buses, how</p> <p>25 would he have found that out, in advance of it actually</p>
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<p>1 MR DEREK CHAN: After the hearing, or later on if possible,</p> <p>2 can you give us some actual numbers of the proportion of</p> <p>3 routes that are now subject to competitive tendering and</p> <p>4 also the contract details --</p> <p>5 MS MABLE CHAN: Sure.</p> <p>6 MR DEREK CHAN: -- of those competitively tendered</p> <p>7 contracts?</p> <p>8 MS MABLE CHAN: Yes.</p> <p>9 MR DEREK CHAN: Thank you very much.</p> <p>10 CHAIRMAN: Before you move on, if that's what you are going</p> <p>11 to do -- the competitive tendering what you've</p> <p>12 described, has that been of the open public competitive</p> <p>13 tendering nature, or restricted to certain participants?</p> <p>14 MS MABLE CHAN: Perhaps I would ask my colleagues to</p> <p>15 supplement on that detail.</p> <p>16 CHAIRMAN: Certainly.</p> <p>17 MS MABLE CHAN: Amy Tse.</p> <p>18 CHAIRMAN: Ms Tse.</p> <p>19 MS AMY TSE: The operator selection exercise is restricted</p> <p>20 to the local market, namely the Citybus, the New World</p> <p>21 First Bus, the Long Win, KMB and New Lantao.</p> <p>22 CHAIRMAN: So restricted to those operators that currently</p> <p>23 hold one or more franchises; is that the case?</p> <p>24 MS AMY TSE: Yes, in the local service market.</p> <p>25 MS MABLE CHAN: Local franchised bus operators.</p>	<p>1 happening, in other words? If he had turned up, like</p> <p>2 me, yesterday, he would have seen a Citybus going to</p> <p>3 Admiralty, and he would have seen KMB buses going</p> <p>4 elsewhere, but how would he have known in advance?</p> <p>5 MS AMY TSE: We will just inform the district council and</p> <p>6 conduct the consultation with the district council.</p> <p>7 CHAIRMAN: So this is reflected in correspondence, is it?</p> <p>8 MS AMY TSE: Yes.</p> <p>9 CHAIRMAN: Is it reflected in the minutes of the councils?</p> <p>10 MS AMY TSE: Yes.</p> <p>11 CHAIRMAN: So perhaps you could provide us with that</p> <p>12 correspondence, and if you've got the minutes, can you</p> <p>13 provide us with the minutes?</p> <p>14 MS AMY TSE: Yes. Okay.</p> <p>15 CHAIRMAN: Thank you.</p> <p>16 Prof Lo.</p> <p>17 MEMBER LO: I just want to find out more about the tendering</p> <p>18 process. Does it involve the safety record of the</p> <p>19 company when you award a route contract, or what is</p> <p>20 being considered? What are the major factors? Is the</p> <p>21 fare being considered? What are the factors that award</p> <p>22 one route to one company and not to the other?</p> <p>23 MS AMY TSE: Fare is one of our criteria to assess. The</p> <p>24 other is the accident rate that we would also compare.</p> <p>25 MEMBER LO: So how exactly do you compare the accident rate</p>

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<p>1 of two companies? Do you have parameters or do you have</p> <p>2 factors you look at in a very explicit manner, so people</p> <p>3 can actually know in a very transparent manner?</p> <p>4 MS AMY TSE: It will be assessed based on the existing</p> <p>5 parameters, like the number of accidents involvement</p> <p>6 rate, as we are now using -- in the vehicle-kilometre</p> <p>7 that we are now using as a parameter.</p> <p>8 CHAIRMAN: These are statistics that one has seen in the</p> <p>9 forward planning bus safety sections of the companies;</p> <p>10 is that what you are describing?</p> <p>11 MS AMY TSE: Yes, and the number of accident rates in the</p> <p>12 past three years.</p> <p>13 CHAIRMAN: But do you give any weighting for different kinds</p> <p>14 of accidents, for example an accident kills ten people</p> <p>15 or an accident where an old lady falls over in a bus?</p> <p>16 Do you weight them?</p> <p>17 MS AMY TSE: We will count all the types of accidents.</p> <p>18 CHAIRMAN: But do you give different weightings for them?</p> <p>19 Do you understand my point?</p> <p>20 MS AMY TSE: No, we do not give the weighting to different</p> <p>21 types of accident. We take it as a whole.</p> <p>22 CHAIRMAN: So it's a raw figure?</p> <p>23 MS AMY TSE: Yes.</p> <p>24 CHAIRMAN: The number of accidents per millions of</p> <p>25 kilometres or whatever statistic you use; is that it?</p>	<p>1 indicator, it is a matter I will come to in a moment,</p> <p>2 but before I move on, may I just pick up on a question</p> <p>3 Prof Lo asked, about whether fares is a criterion. Can</p> <p>4 I just understand -- so in the tender exercise, the</p> <p>5 bidder will put in a proposed fare for the route; is</p> <p>6 that correct? So it's not set by the government?</p> <p>7 MR PATRICK WONG: No.</p> <p>8 CHAIRMAN: Sorry, was there an answer to that?</p> <p>9 MR PATRICK WONG: Actually, because it's competitive</p> <p>10 tendering, the bus company will put forth their proposed</p> <p>11 fares, which we have -- the fare scale governs the</p> <p>12 maximum fare per distance. Each company has their own</p> <p>13 fare scale. So whenever they submit a bid for the</p> <p>14 particular route under tender, they would put forth</p> <p>15 their proposed fare, which may be below the ceiling fare</p> <p>16 level under the scale I have just mentioned.</p> <p>17 CHAIRMAN: How is the ceiling fare made known to the bus</p> <p>18 company?</p> <p>19 MR PATRICK WONG: It's been gazetted and basically</p> <p>20 published.</p> <p>21 CHAIRMAN: Is that a fare per kilometre and how is it</p> <p>22 articulated?</p> <p>23 MR PATRICK WONG: Basically, they set different kilometres</p> <p>24 with different fares. In other words, the longer</p> <p>25 distance, they can charge higher fares. Also, it</p>
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<p>1 MS MABLE CHAN: Chairman, if I may --</p> <p>2 MS AMY TSE: Yes.</p> <p>3 MS MABLE CHAN: -- I would ask Amy or Patrick to elaborate</p> <p>4 a little bit, that there are a number of factors that</p> <p>5 they will consider in a restricted tender exercise. So,</p> <p>6 in response to the member's question about safety, Amy</p> <p>7 has quoted the indicator that we have used and made</p> <p>8 reference to in the forward planning exercise. Apart</p> <p>9 from the safety factor, there are a number of other</p> <p>10 factors regarding performance and service standards that</p> <p>11 they will also consider.</p> <p>12 I would suggest we will provide, after the hearing,</p> <p>13 the factors considered in the marking scheme --</p> <p>14 CHAIRMAN: Thank you.</p> <p>15 MS MABLE CHAN: -- for the complete reference for the</p> <p>16 committee.</p> <p>17 CHAIRMAN: Yes. Thank you very much. If you could provide</p> <p>18 that before we have our hearing on Saturday, then we</p> <p>19 would be in a position to ask questions that might</p> <p>20 arise. Can that be done?</p> <p>21 MS MABLE CHAN: Yes, sure.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 Yes, Mr Chan.</p> <p>24 MR DEREK CHAN: Thank you.</p> <p>25 Ms Chan, on the issue of the safety performance</p>	<p>1 depends on different service types they provide. For</p> <p>2 example, some recreational routes which can be operated</p> <p>3 on Sunday and public holidays, they can be allowed to</p> <p>4 charge higher fares, and overnight services, they can be</p> <p>5 allowed to charge higher fares, and so on and so forth.</p> <p>6 CHAIRMAN: And this is gazetted?</p> <p>7 MR PATRICK WONG: Yes.</p> <p>8 CHAIRMAN: Can you provide us with a copy of the current</p> <p>9 version?</p> <p>10 MR PATRICK WONG: Yes, sure.</p> <p>11 CHAIRMAN: Thank you.</p> <p>12 MR DEREK CHAN: Would these fares still be subject to the</p> <p>13 fare adjustment mechanism for the normal franchise</p> <p>14 agreements, or are they separately considered? So, once</p> <p>15 they have bid for the route, according to the contract</p> <p>16 price, and they want to increase it later on, is it done</p> <p>17 under the same mechanism?</p> <p>18 MR PATRICK WONG: Yes, once they offer and we accept the</p> <p>19 tender, the fare will be charged in accordance with that</p> <p>20 fare, and if they want to raise that fare they are</p> <p>21 subject to the fare increase mechanism, as you have just</p> <p>22 mentioned.</p> <p>23 MR DEREK CHAN: If I understand correctly, from a policy</p> <p>24 perspective, this competitive tendering exercise would</p> <p>25 be restricted to new towns, or new developments, when</p>

Page 25	<p>1 a package of routes becomes available.</p> <p>2 Are there any plans, that the government may or may</p> <p>3 not have, to expand the scope of competitive tendering,</p> <p>4 and if so to what extent?</p> <p>5 MS MABLE CHAN: Perhaps I will answer that question.</p> <p>6 It is always the government's objective to promote</p> <p>7 competition and to improve service standards. As</p> <p>8 a forward-looking perspective, there are a number of new</p> <p>9 development areas or districts like in the New</p> <p>10 Territories or even in the urban Kowloon, like the</p> <p>11 Kai Tak development. So, while we are venturing into</p> <p>12 competitive routing in such new town developments or new</p> <p>13 area developments, should there be any routes that</p> <p>14 straddle across these new areas to the existing built-up</p> <p>15 area, like between Kwun Tong and also the Kai Tak East</p> <p>16 development, then we also will try out the approach of</p> <p>17 competitive routing, route-by-route, tendering approach.</p> <p>18 Looking ahead, under the current franchise model, it</p> <p>19 will not preclude us from doing more in this regard.</p> <p>20 I also wish to add that from the past experience, should</p> <p>21 a franchised bus operator fail in the service standards</p> <p>22 or compliance with the franchise requirements, like in</p> <p>23 the 1990s there has been occasions that we actually</p> <p>24 suspend the operation of certain routes or certain</p> <p>25 package of routes, like in the case of the China Motor</p>	Page 27	<p>1 performance of the various franchised operators in terms</p> <p>2 of various bus routes.</p> <p>3 MR DEREK CHAN: If I may then move on to the next topic,</p> <p>4 which is the use of, firstly, safety indicators or</p> <p>5 safety performance indicators. I will also ask</p> <p>6 questions about the virtues or non-virtues of using</p> <p>7 incentives or penalty clauses in contracts linked to</p> <p>8 such a safety performance indicator.</p> <p>9 If I may take it step by step, firstly, by looking</p> <p>10 at the concept of a safety performance indicator.</p> <p>11 I would like to start by looking firstly at what is</p> <p>12 currently used by the Transport Department, and then</p> <p>13 later on ask for your comments on the evidence that this</p> <p>14 committee has received in terms of possible improvements</p> <p>15 in this area.</p> <p>16 Before I go to the details, can I start off by</p> <p>17 asking you to clarify one aspect of the full report of</p> <p>18 the Working Group on Enhancement of Safety of Franchised</p> <p>19 Buses. That may or may not have relevance to this</p> <p>20 topic, I'm not sure, so I want to ask you to clarify</p> <p>21 that.</p> <p>22 That report has made it into bundle TD-5.</p> <p>23 Mr Chairman, I don't have the page references. If</p> <p>24 I may just use the paragraph numbers of the report at</p> <p>25 this stage.</p>
Page 26	<p>1 Bus, and then we take out those routes or package of</p> <p>2 routes for competitive tendering, to invite new</p> <p>3 operators to operate those routes. So there is always</p> <p>4 the opportunity for us to do more and to use this as</p> <p>5 a vehicle to salvage the service performance of existing</p> <p>6 operators.</p> <p>7 Thank you.</p> <p>8 CHAIRMAN: When was the last open, public, competitive</p> <p>9 tender in Hong Kong for bus routes? Open public.</p> <p>10 MS AMY TSE: It was at 1998, when we first tendered the</p> <p>11 routes for the airport service.</p> <p>12 CHAIRMAN: Thank you.</p> <p>13 MS AMY TSE: Sorry, to China Motor Bus, in 1998.</p> <p>14 CHAIRMAN: So such competitive tendering as there has been</p> <p>15 since has all been restricted competitive tendering?</p> <p>16 MS AMY TSE: Yes.</p> <p>17 CHAIRMAN: Thank you.</p> <p>18 MR DEREK CHAN: Are there any plans, or at least plans under</p> <p>19 consideration, to subject the old routes currently under</p> <p>20 the franchise agreements -- subject those routes to</p> <p>21 competitive tendering, in an open manner, not just</p> <p>22 restricted to Hong Kong incumbents?</p> <p>23 MS MABLE CHAN: At the present moment, we do not have</p> <p>24 immediate plan, but we would not rule out such</p> <p>25 opportunity because we always keep in view the service</p>	Page 28	<p>1 CHAIRMAN: Yes.</p> <p>2 Ms Chan, do you have the report in front of you?</p> <p>3 MS MABLE CHAN: Just a minute.</p> <p>4 MR DEREK CHAN: Please take your time.</p> <p>5 MS MABLE CHAN: Yes, I am ready.</p> <p>6 MR DEREK CHAN: Mr Chairman, just for the record, the first</p> <p>7 page of the report is at page 1757 of TD --</p> <p>8 CHAIRMAN: As normal, I am working on the document that was</p> <p>9 provided overnight, so I don't have page numbers, as is</p> <p>10 normal.</p> <p>11 MR DEREK CHAN: So am I. Perhaps I can just put the page</p> <p>12 numbers in for the record of the transcript, so that</p> <p>13 when we come back to it later on, we have</p> <p>14 a page reference there.</p> <p>15 The first reference is TD-5, page 1757, and I wish</p> <p>16 to refer you to paragraph 4.26, which is page 1798 in</p> <p>17 the bundle.</p> <p>18 Just to give some context to this paragraph, this</p> <p>19 paragraph is contained in a section on training, so at</p> <p>20 first blush it may not be relevant to the topic of</p> <p>21 safety performance indicators. So I may just invite you</p> <p>22 to clarify.</p> <p>23 If I can just read out 4.26 first:</p> <p>24 "The working group considers that in order to ensure</p> <p>25 that adequate and appropriate trainings are provided to</p>

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<p>1 bus captains, all franchised bus operators should also 2 enhance their internal monitoring and audit mechanism 3 for the training of bus captains, including developing 4 key performance indicators, monitoring the 5 implementation and their effectiveness, and formulating 6 appropriate remedial follow-up actions." 7 And the rest of the paragraph talks about reporting 8 to management. 9 Can I just ask you to explain what you mean by 10 development key performance indicators; what is it 11 a reference to? 12 MS MABLE CHAN: This key performance indicator is regarding 13 the training of the bus captains and it is not directly 14 relevant to the safety performance indicator as you may 15 have mentioned at the outset. For the committee's 16 background, in the past, the franchised bus operators 17 have volunteered to set an indicator for their training, 18 say the number of bus captains to be trained in the past 19 three years. 20 MR DEREK CHAN: I see. 21 MS MABLE CHAN: This is just a starting point, but with the 22 promulgation of the practice note on the training 23 framework of bus captains, one of the issues and 24 observations that we have found is that by just relying 25 on one single indicator of the number of bus captains to</p>	<p>1 reports. If I remember correctly, it's half-yearly, at 2 least half-yearly, to their management boards. On the 3 other hand, they should also provide exceptional reports 4 to the management boards on their training indicators 5 and the effectiveness of their training. In parallel, 6 these reports should be provided to the Transport 7 Department for our regular monitoring and also for us to 8 review with them in our regular meetings with them, with 9 their senior management. 10 Thank you. 11 MR DEREK CHAN: For my purposes, just to make it clear, 12 these performance indicators do not relate to driving 13 behaviour as a result of the training? 14 MS MABLE CHAN: In a way, it is a training target. 15 MR DEREK CHAN: Training target. Thank you for that 16 clarification. 17 If I may then move on to looking firstly at how 18 safety indicators are presently, currently, being used 19 by the Transport Department. 20 Can I do that by first taking you to the bus safety 21 section of KMB's forward planning programme for 2018 to 22 2022. The page reference for that is TD-1, page 180. 23 Just to remind you of the context, this would be 24 a document prepared by KMB and submitted to the 25 Transport Department around mid-2017, which relates to</p>
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<p>1 be trained in the past three years, it does not suffice 2 to achieve the training requirement of bus captains. 3 The proposal of developing key performance 4 indicators will cover the performance of the bus 5 operators, in providing training of in-service bus 6 captains for refresher course, remedial course, and also 7 for those that are necessary to rectify the driving 8 misbehaviour of those bus captains committing traffic 9 offences. And, on the other hand, we have also observed 10 that while the bus operators have mentioned that they 11 will provide behind-the-wheel training for the 12 in-service bus captains, this may not be actually 13 provided for the in-service bus captains to the extent 14 that we expect. Say, for example, some of the 15 behind-the-wheel training will actually involve that 16 particular bus captain watching behind another bus 17 captain behind the wheel, so he's just observing from 18 behind. So this does not fulfil the expectations of 19 behind-the-wheel training. 20 So we are expecting the franchised bus operators to 21 develop key performance indicators along these fronts, 22 so that it is easier and more efficient for the bus 23 operators to achieve an internal monitoring and audit 24 mechanism. 25 We are also expecting them to provide regular</p>	<p>1 the next five years, 2018 to 2022. 2 If I can take you immediately to page 192 of this 3 document. Under paragraph 8.8.1, under the heading 4 "Proposed Target and Other Measures", the paragraph 5 states as follows: 6 "KMB proposes to use the 3-year average of 2014 to 7 2016 actual accident involvement rate of 2.71 (defined 8 as the number of buses involved in accidents per million 9 kilometres operated) as a target for the purpose of this 10 five-year plan period. It represents a 6 per cent 11 reduction from the accident rate in 2014, the highest 12 record among 2014 to 2016." 13 So the point that I wish to draw to your attention, 14 before I move on to the next document, is that the 15 target that KMB set for themselves is 2.71. 16 Can we then move forward a year to see what happened 17 in 2017, so the next document that I wish to take you to 18 will be the next forward planning programme for 2019 to 19 2023, and the page reference for that is TD-5, 20 page 1728. 21 Do you have that before you, Ms Chan? 22 MS MABLE CHAN: Yes. 23 MR DEREK CHAN: Page 1728, first of all, is a letter from 24 the Transport Department to KMB, dated 21 May 2018, 25 basically providing KMB with a list of what needs to be</p>

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<p>1 included in the next forward planning programme. So 2 that's the context. 3 MS MABLE CHAN: Yes, please. 4 MR DEREK CHAN: Then over the page, at 1729 to 1731 is your 5 letter to KMB as to what needs to be included in the 6 next FPP. 7 If I may just read the first two paragraphs of 8 page 1729, under the heading of "Bus Safety": 9 "We note that there was an increase in the number of 10 KMB buses involved in accident per million 11 vehicle-kilometres from 2.74 in 2016 to 3.04 in 2017, 12 which was at a high level. 13 The table below which summarises the number of KMB 14 buses involved in the traffic accidents by severity of 15 accident from 2015 to 2017 reveals that there was 16 a decrease in the number of fatal accidents from 11 17 cases in 2015 to 3 cases in 2017. However, the number 18 of slight traffic accident has shown an increasing trend 19 from 737 in 2015 to 866 in 2017. Also, the actual 20 accident involvement rate, which is 3.04 in 2017, was 21 higher than the proposed target accident ... rate in 22 your FPP (2018 to 2022), which was 2.71." 23 So KMB did not meet a target that it set for itself. 24 And we can see in the table below the two paragraphs 25 I just read the number of KMB buses involved in traffic</p>	<p>1 rate per million kilometre yearly for the coming five 2 years." 3 Again, the focus is on the accident rate per million 4 vehicle-kilometres. Can I explore with you the utility 5 of using this accident rate per million 6 vehicle-kilometres rate as a safety performance 7 indicator. 8 Firstly, would you agree with me this rate covers 9 both accidents where the bus driver is at fault and also 10 accidents where the bus driver is not at fault? Would 11 that be correct? 12 MS MABLE CHAN: This is a general indicator of counting the 13 number of accidents. So the number of accidents may 14 cover some of the accidents involving driver's fault or 15 may not. The causes of the accidents may be multiple 16 and the investigation of the accidents and also the 17 determination of the causes of whether the driver is 18 a contributing factor will be subject to the judicial 19 proceedings. 20 Thank you. 21 CHAIRMAN: So the short answer is "yes"? 22 MS MABLE CHAN: Yes. 23 MR DEREK CHAN: And, therefore, this rate includes factors 24 to which the bus driver or bus operator cannot control; 25 would you agree with that?</p>
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<p>1 accidents as a rate per million vehicle-kilometres had 2 been increasing from 2015 to 2016 to 2017, the rate 3 being 2.62, 2.74 to 3.04. 4 The second table below on that page also shows 5 an increasing number of traffic accidents involving KMB 6 buses throughout the same three years. 7 So it would appear from this analysis -- and please 8 correct me if I am wrong -- that the two safety 9 indicators that the Transport Department focused on here 10 are, firstly, accident rates per million 11 vehicle-kilometres, and secondly, the number, the 12 absolute number, of traffic accidents involving KMB 13 buses. 14 Would that be a fair summary? 15 MS MABLE CHAN: Yes. 16 MR DEREK CHAN: Then we can skip forward to page 1731, which 17 is the last page of that letter. Under subparagraph 18 (4), the heading is "Target for target accident rate", 19 and can I just read it out. The Transport Department 20 says: 21 "Your company is required to 22 a. propose target accident rate for the coming FPP 23 to pursue continuous improvement to the safety of your 24 operation 25 b. propose target reduction of accident involvement</p>	<p>1 MS MABLE CHAN: Yes. 2 MR DEREK CHAN: With that in mind, can I refer you to the 3 evidence of Prof Stanley on this point, and can I invite 4 your observations or comment on that. 5 Can I firstly take you to the transcript of Day 16, 6 which is 15 September 2018, which should be in 7 transcript bundle 7, page 67. 8 I would like to pick it up at page 67, line 16. 9 Just to give you some context to the answer, I was 10 asking questions of Prof Stanley about using a benchmark 11 safety performance indicator as a trigger to a penalty 12 or incentive clause. But can I just pick it up on line 13 16, where Prof Stanley talks about what he would expect 14 to be included in a safety performance indicator. 15 I will just read it out for the record, at line 16: 16 "I would just make a few comments which -- I talked 17 before the break about, for example, fatalities, 'slips, 18 trips and falls', and so on, being some of the sorts of 19 things you might take into account. In terms of 20 developing KPIs [that's short for key performance 21 indicators] or performance indicators, there's a number 22 of criteria that you would expect them to meet. They 23 need to be specific. You've clearly got to be able to 24 measure them. They ought to be achievable. They 25 clearly need to be relevant. The data, and so on, needs</p>

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<p>1 to be available on a timely basis. And all of those 2 KPIs need to be something that the operator can affect. 3 There's no point having a KPI if the operator is not 4 able to, by their performance, influence the outcomes of 5 them. So they are really important." 6 In the same vein, can I also take you to page 93 of 7 the same day's evidence, and can I pick it up at line 22 8 of page 93. Again, just to give you some context, 9 looking at the exchange above, the discussion was about 10 whether the indicator includes something that the 11 operator has or has not control over. At line 22, 12 Prof John Stanley says this: 13 "I think, when we were talking about the criteria 14 for indicators, it needs to be something that you've got 15 control over." 16 So, given that we have just looked at the accident 17 rate per vehicle-kilometres, which includes pretty big 18 weighting of accidents to which the bus operator has no 19 control over because the bus driver is not at fault, 20 what observations do you have in terms of Prof Stanley's 21 suggestion of what a performance indicator ought to 22 include, something that the bus operator does have 23 control over? Do you have any observations in that 24 regard? 25 MS MABLE CHAN: Firstly, in terms of key performance</p>	<p>1 Safety and Standards Division have joined hands in 2 analysing the trend of the accidents according to the 3 various categories as I mentioned, in order to evaluate 4 in more detailed terms the safety performance of the 5 franchised bus operators. 6 MR DEREK CHAN: Ms Chan, if I may -- obviously, if you want 7 to expand, please let me know -- but my question is more 8 focused on the indicator. Obviously, the evaluation, as 9 you have mentioned, it is important to dig deep into 10 different causes and all that -- 11 CHAIRMAN: Forgive me for interrupting, Mr Chan, but I think 12 this matter can be put very simply. You don't agree 13 with Prof Stanley that a KPI must be something that 14 a bus operator can influence the outcome? You don't 15 agree with that? 16 MS MABLE CHAN: To answer your question, I would not agree, 17 because a KPI, in terms of a management tool -- 18 CHAIRMAN: That answers my question. Let Mr Chan pursue his 19 question. 20 MS MABLE CHAN: Thank you. 21 MR DEREK CHAN: Thank you, Chairman. 22 You mentioned analysis and the different causes and 23 breakdowns and all that. From my reading of the 24 documents, there is no targets at all set for the bus 25 company in respect of individual categories of analysis.</p>
Page 38	Page 40
<p>1 indicator, I think it serves the purpose of having -- of 2 serving as a management tool or indicator for both the 3 regulator, ie the Transport Department, and the 4 franchise operators, to review their performance in the 5 aspect of safety at the outset. 6 As I answered your question a minute ago, in terms 7 of road transport or land transport, there could be 8 a number of contributing factors leading to accidents. 9 While following this KPI in terms of the number of 10 accidents in absolute terms and also the number of 11 accidents per million km, we are also in the process of 12 the forward-planning exercise, digging into the analysis 13 of the nature of accidents, in terms of the bus type, 14 bus model, the type of accidents, be it collision or 15 non-collision, and also the age of the drivers involved, 16 the routes of those accidents involved. Merely relying 17 on the KPI will just help us as a very high-level tool 18 to evaluate the overall safety performance of 19 a franchised bus operator, but that would not suffice. 20 We are actually asking the franchised bus operators to 21 cover in their safety chapter, as we have provided in 22 May for the committee's reference, that they actually 23 have to break down those accidents by the various 24 categories that I have just mentioned. 25 In fact, my Bus and Railway Branch and also the Road</p>	<p>1 The only target that I can see is this accident per 2 million vehicle-kilometres. 3 So, in terms of using something as a target, do you 4 agree that you should be using something that the bus 5 company has control over? 6 MS MABLE CHAN: If we are operating in a vacuum, and in 7 taking a purist approach, it would be good if we can 8 have some KPI that a company can have full control. 9 But, as I have answered the chairman's question, I do 10 not totally agree that a KPI will have to be fully 11 controlled by a company, because it is an indicator, to 12 start with, and it serves as a basis for us to evaluate 13 its performance. Because the accidents are complex and 14 could be contributed by various factors, it is by our 15 detailed analysis of the various types of accidents and 16 the nature of accidents involved that we can start to 17 dig deep into the various other related performance 18 indicators. 19 If I may, you have mentioned about the training 20 targets. In the working group discussions, the safety 21 is our utmost concern, and while the company may not 22 have full control of the number of accidents involving 23 their buses in a particular year, as far as the bus 24 type, the bus safety and the bus captains are concerned, 25 there are a number of ways that they can help to bring</p>

<p style="text-align: right;">Page 41</p> <p>1 down the number of accidents in absolute terms and also 2 the number of accidents involved per million kilometres. 3 It is actually on this front that we have come up 4 with the practice note, and then to expect them to 5 develop key performance indicators on training, and also 6 with the update of the specifications of the black box, 7 and also with the installation of the CCTV, all these 8 devices will help the company to investigate whether or 9 not a driver is particularly involved or cause fault to 10 that accident or there are other contributing factors. 11 So we will take all this into account in evaluating 12 whether the company has tried its best in providing 13 a safe bus, as also to equip the driver with a safe 14 driving behaviour and attitude. 15 MR DEREK CHAN: So, when you are weighting these various 16 different incidents and analysis that you are talking 17 about, different aspects, different causes, you 18 investigate through CCTV and all that, so the weighting 19 will be done in your head? 20 MS MABLE CHAN: Perhaps it would be helpful if I quote 21 an example of how we would deal with this. Say in the 22 case of KMB, we have pointed out that its accident rate 23 has actually exceeded its pledged target. We have asked 24 them to provide further analysis in terms of the nature 25 and category of the accidents. Our initial observation</p>	<p style="text-align: right;">Page 43</p> <p>1 us with the reference of the KPI, as a start, for us to 2 evaluate in a more comprehensive and holistic manner the 3 safety performance of franchised bus operators. 4 CHAIRMAN: Where is this request of the bus companies that 5 they perform a more detailed analysis? 6 MS MABLE CHAN: We have written to the various bus 7 operators, setting out our requirements. One of the 8 examples is just illustrated in the bundle, our letter 9 to the KMB. We can certainly provide other letter 10 samples for the committee's reference. And following 11 the issuance of those letters the various franchised bus 12 operators are in the process of finalising the coming 13 forward planning programme, in particular the safety 14 chapter. So the process is developing and is evolving. 15 The whole FPP exercise will end by the end of this 16 year, by which we will submit the finalised FPP, 17 including the route planning exercise, as well as other 18 chapters, in particular the safety chapters, to the 19 bureau for the agreement -- in accordance with the law. 20 CHAIRMAN: This is delayed compared with previous years, is 21 it not? 22 MS MABLE CHAN: Sorry, Chairman? 23 CHAIRMAN: Is this not a delay compared with the normal 24 timetable for the forwarding of the forward-planning 25 exercise?</p>
<p style="text-align: right;">Page 42</p> <p>1 has found that the number of non-collision accidents 2 have actually increased relatively over the last year, 3 and the installation of the black-box device and also 4 the CCTV would actually help the company to advise us of 5 whether or not there is something wrong with 6 a particular bus model or whether there is something 7 wrong with a particular bus captain's driving behaviour, 8 that has led to the increase in non-collision accidents 9 involving the falling of passengers or losing of 10 passengers' balance within a bus. 11 There are a number of routes, say, for example, that 12 we may observe there are higher occurrence of such kind 13 of accidents. We actually go deep down to that level of 14 detail to investigate and to ask the companies to come 15 up with focused measures. If the chairman and members 16 may remember correctly, when we last presented the 17 safety chapters, you can see that the companies have 18 presented quite standard paragraphs on the improvement 19 measures to enhance safety, but I think since the last 20 submission of the FPP we have actually, with the 21 comparison of the analysis of the accident trend, gone 22 deep into the accident analysis and asked them to 23 provide focused measures to address the various 24 occurrence of accidents by bus routes, by the bus type, 25 and also by the type of the accidents. This will help</p>	<p style="text-align: right;">Page 44</p> <p>1 MS MABLE CHAN: I think it is more or less in line, but 2 obviously -- 3 CHAIRMAN: So it will be the end of the year before the bus 4 companies have given you this safety chapter in their 5 forward-planning exercise? 6 MS MABLE CHAN: To be correct, the franchised bus operators 7 have submitted a draft of the FPP, including the safety 8 chapter, by the deadline -- 9 CHAIRMAN: The deadline being? 10 MS MABLE CHAN: End of June, and it is supposed to be around 11 the end of September/early October that we will come 12 back to them with comments, and hopefully we will reach 13 some sort of agreement on the contents of the chapter, 14 and then it will take us from early October to the end 15 of this year for us to submit to the bureau and for 16 clearance of the FPP. 17 CHAIRMAN: Is there not some statutory requirements about 18 this timetable? 19 MS MABLE CHAN: It is a statutory requirement, correct. 20 CHAIRMAN: Can you remind me where this is to be found? The 21 dates you have mentioned, as I recall, it was the end of 22 June and certainly September. 23 MS MABLE CHAN: End of September, yes. 24 While me colleagues are searching through the 25 bundles, you are correct, there are two dates mentioned</p>

Page 45	<p>1 in the ordinance. They have to submit by the end of</p> <p>2 June, and then we are supposed to reach agreement with</p> <p>3 them by the end of September --</p> <p>4 CHAIRMAN: Otherwise, you can go for an arbitration via the</p> <p>5 Secretary for Transport and Housing; is that right?</p> <p>6 MS MABLE CHAN: Yes, and the process beyond September and</p> <p>7 taking us to the end of December is the internal process</p> <p>8 for us to seek the clearance from the Secretary for</p> <p>9 Transport and Housing, when we will submit all the</p> <p>10 details of the route planning exercise.</p> <p>11 CHAIRMAN: Which is why I asked the question. Are you not</p> <p>12 past 1 September or the end of September? Have you</p> <p>13 reached agreement with the bus companies?</p> <p>14 MS MABLE CHAN: The date of end of September has passed. In</p> <p>15 this particular year, because of a number of questions</p> <p>16 we have posed to the operator, we are expecting them to</p> <p>17 provide supplementary beefing-up sections to the safety</p> <p>18 chapter, and that is why by now they are still</p> <p>19 finalising the additional pieces of information to the</p> <p>20 safety chapter.</p> <p>21 CHAIRMAN: So you haven't reached agreement this year yet?</p> <p>22 MS MABLE CHAN: No.</p> <p>23 Chairman, the reference to the statutory provision</p> <p>24 is clause 12A of the Public Bus Services Ordinance.</p> <p>25 CHAIRMAN: Thank you. When do you expect to reach agreement</p>	Page 47
Page 46	<p>1 this year?</p> <p>2 MS MABLE CHAN: We hope to agree with them as early as</p> <p>3 possible.</p> <p>4 CHAIRMAN: Obviously, but do you have any expectation when</p> <p>5 that might be achieved?</p> <p>6 MS MABLE CHAN: Perhaps a piece of information: we have</p> <p>7 recently met with Citybus Ltd and New World First Bus on</p> <p>8 the FPP, and we are also arranging a meeting with the</p> <p>9 KMB and Long Win on the FPP. So a lot of work is</p> <p>10 underway for us to reach an agreement as early as</p> <p>11 possible.</p> <p>12 CHAIRMAN: You've said that twice now. Are you unable to</p> <p>13 put a date on it? If you are, just say so.</p> <p>14 MS MABLE CHAN: I cannot mention a date at this juncture,</p> <p>15 but it is my objective to reach an agreement as early as</p> <p>16 possible, because we also have to finalise the routes</p> <p>17 for the next year, for the planning purpose and for</p> <p>18 early dissemination to the public of information.</p> <p>19 CHAIRMAN: Yes, Mr Chan.</p> <p>20 MR DEREK CHAN: Mr Chairman, again just for the record,</p> <p>21 section 12A, the section Ms Chan referred to, is</p> <p>22 contained in THB-2, page 109.</p> <p>23 CHAIRMAN: Thank you.</p> <p>24 MR DEREK CHAN: An earlier question by the chairman is about</p> <p>25 your request to the bus operators to provide further</p>	Page 48
	<p>1 breakdown of the causes. I think one example of that</p> <p>2 would be at TD-5, page 1729 to 1730, which is the</p> <p>3 document we have just been looking at.</p> <p>4 At page 1728, the letter dated May 2018, and then at</p> <p>5 the bottom of page 1729 you require the KMB to conduct</p> <p>6 an analysis of traffic accidents, and over the page you</p> <p>7 ask them to analyse the traffic accidents related to</p> <p>8 non-driver factors.</p> <p>9 So is that the sort of request to bus companies that</p> <p>10 you were referring to in your evidence?</p> <p>11 MS MABLE CHAN: Yes. And actually over the page on 1730</p> <p>12 there is also a long list of the analysis that we are</p> <p>13 expecting the company to conduct and provide.</p> <p>14 CHAIRMAN: At page 1729, the bottom of that page, "Your</p> <p>15 company is required to (a)", and then the last sentence:</p> <p>16 "The analysis shall include the trend, the nature</p> <p>17 and causes of the accident, as well as the reasons for</p> <p>18 the increases."</p> <p>19 So you are requiring them to give you causes?</p> <p>20 MS MABLE CHAN: Yes.</p> <p>21 CHAIRMAN: Is that developed further on the next page, 1730?</p> <p>22 MS MABLE CHAN: Yes, Chairman.</p> <p>23 CHAIRMAN: Perhaps you can point out where that theme is</p> <p>24 developed. Just read it out, when you find it.</p> <p>25 MS MABLE CHAN: Okay.</p>	
	<p>1 So we are expecting the company to provide further</p> <p>2 analysis on the identification of the causes of the</p> <p>3 accidents and whether there are any common factors in</p> <p>4 the accidents as identified. This will provide a basis</p> <p>5 for them to tell us what specific proposals or the</p> <p>6 improvement measures and programmes that they will</p> <p>7 provide. Say in the case of non-collision accidents</p> <p>8 involving falling passengers, the location of the</p> <p>9 passengers, are they along the stairs or are they on the</p> <p>10 lower deck or the upper deck.</p> <p>11 CHAIRMAN: Where is that spelt out in this letter?</p> <p>12 MS MABLE CHAN: I am just giving an example of --</p> <p>13 CHAIRMAN: Before you give an example, can you read from the</p> <p>14 text anything that supports what you are saying? We've</p> <p>15 got this phrase "You are required to give us an analysis</p> <p>16 of the nature and causes of the accident", that's page</p> <p>17 1729.</p> <p>18 MS MABLE CHAN: Yes.</p> <p>19 CHAIRMAN: All I'm asking you is: is that developed further</p> <p>20 on the next page?</p> <p>21 MS MABLE CHAN: It is further developed on the next page,</p> <p>22 down the page of 1730 we have mentioned the</p> <p>23 safety-related plans, Chairman.</p> <p>24 CHAIRMAN: Yes.</p> <p>25 MS MABLE CHAN: So with a view to lower the accident</p>	

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<p>1 involvement rate of buses and to further enhance the 2 safety of buses provided to passengers, we are expecting 3 them to propose the respective specific plans and 4 proposals: to enhance the existing monitoring system or 5 introduce new monitoring system on the safe driving of 6 buses; to enhance the awareness of the company's 7 employees on the consequences of the monitoring system, 8 what sort of disciplinary action and penalties that may 9 have; and also to develop action plan for automation of 10 monitoring of bus captain driving behaviour through the 11 data captured in black boxes of similar devices; as well 12 as to propose publicity plans and programmes in the next 13 two years to enhance passenger safety.</p> <p>14 And also, over the page, to 1731, we also expect 15 them to provide programmes in the next two years to 16 enhance bus captain training for part-time and full-time 17 bus captains respectively -- this is also related to the 18 working group recommendation on the training framework. 19 And to provide a programme of surveys to assess the 20 utilisation rate of seat belts on buses which are 21 installed with 3-point seat belt on all seats as 22 suggested in the 2018-2022 FPP submitted to the 23 Transport Department.</p> <p>24 On this latter point, we are also picking up some of 25 the initiatives they mention in the previous FPP and we</p>	<p>1 non-collision are loss of balance, are they not? 2 MS MABLE CHAN: Yes. 3 CHAIRMAN: And it's obvious beyond imagination that that 4 must be related to braking, accelerating or swerving, 5 for one reason or another. But then the information 6 that you need to help you with that comes as to the 7 cause of the accident, and that's why I'm asking you why 8 you don't ask for details of what caused the accident. 9 The answer might be the bus driver was driving 10 inattentively, and what then was the cause of the 11 accident? Because he had to brake too hard. 12 MS MABLE CHAN: In this current letter that we sent to the 13 KMB, we haven't gone down to that level of detail. 14 CHAIRMAN: Have you done so for Citybus? 15 MS MABLE CHAN: Can I check for that, because in the updated 16 minimum requirements for the black box, we actually have 17 specified them to illustrate the events where there is 18 an over-speedy acceleration or deceleration. Can I ask 19 my deputy commissioner to update the committee on that, 20 about the acceleration of the G force of that, so that 21 to facilitate the company to identify whether there are 22 any sudden braking or over-braking, harsh braking, by 23 the driver? 24 CHAIRMAN: Yes, please do. 25 You are addressing the August 2018 basic minimum</p>
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<p>1 are expecting the company to follow through with 2 assessment and survey to evaluate the effectiveness and 3 utilisation, so that they can provide us more detailed 4 data and information for us to monitor the 5 effectiveness.</p> <p>6 CHAIRMAN: Just coming back to page 1730, at the top, three 7 or four lines down, "Analysis on traffic accident 8 related to non-driver factors", and then there is a lot 9 of detail about that.</p> <p>10 There is no requirement that I can see where there 11 is to be an analysis of driver-related factors, if 12 a driver braked too harshly because he was going too 13 fast as he approached the bus stop. Where is the 14 requirement to give you that analysis?</p> <p>15 MS MABLE CHAN: Chairman, in the case of the KMB, here we do 16 not specify to that extent and ask them to provide 17 detailed analysis as to what kind of behaviour of the 18 driver has caused the traffic accidents. But can 19 I quote the example in the Citybus, whereby they are 20 upgrading the black-box specifications and the 21 installation. They are actually keeping a log of the 22 events caused by the driver and those will be the cases 23 whereby is there any very speedy acceleration or speedy 24 deceleration. 25 CHAIRMAN: 50 per cent of all accidents that are</p>	<p>1 requirements for electronic data recording device, are 2 you? 3 MR YK CHAN: That was a minimum requirement, but what I am 4 talking about is -- 5 CHAIRMAN: Let's start with the minimum and then you can go 6 on to what is the maximum, what you are hoping they will 7 do. What's the minimum first of all? And what we are 8 looking for is data about acceleration or braking. 9 MR YK CHAN: May I have a minute? 10 CHAIRMAN: It's appendix 2, if that helps you. 11 MR DEREK CHAN: Just for the record, Mr Chairman, that's 12 appendix 2 to the working group report, and the page 13 reference is 1807 of TD-5. 14 CHAIRMAN: Not on the bundle I've got. There are no page 15 numbers. 16 MR YK CHAN: Mr Chairman. 17 CHAIRMAN: Yes. 18 MR YK CHAN: The basic minimum requirement for the 19 electronic data recording device, which we commonly 20 refer to as black box. 21 CHAIRMAN: Yes. 22 MR YK CHAN: For this update, we have sort of updated with 23 new additions or requirements. 24 CHAIRMAN: I understand that. What we are looking for is 25 acceleration and braking. Which one is that?</p>

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<p>1 MR YK CHAN: Item 4(a): 2 "Accident report -- vehicle speed profile at time 3 interval of 1 second for the 3 minutes period preceding 4 detection of 0.4G deceleration." 5 This is a requirement that the equipment should be 6 able to record that sort of acceleration or 7 deceleration -- 8 CHAIRMAN: This is deceleration. It used to be 0.2, didn't 9 it? 10 MR YK CHAN: No. 0.4 has been in this since first inception 11 already. 12 CHAIRMAN: Thank you. Why is 0.4 deceleration chosen? Is 13 that when you hit the wall? Is that what 0.4 means? 14 MR YK CHAN: No. Actually, 0.4 is a figure that we adopted 15 some time ago. It was actually based on a study. 16 CHAIRMAN: What does it represent? 17 MR YK CHAN: It represents the force, when you step on the 18 brake, the sort of gravitational force that you may 19 experience as a normal person. 20 CHAIRMAN: I understand -- 21 MR YK CHAN: To put simply, 0.4 -- normally, we are talking 22 about gravitational force is 9.81 metres per second per 23 second. Now, 0.4 is a fraction of that. Now, on 24 a bus -- 25 CHAIRMAN: What does this actually mean for a real driver?</p>	<p>1 an instant moment, but we also need records of what 2 happens in the previous three seconds. 3 CHAIRMAN: Yes. Thank you. 4 MR YK CHAN: Three minutes, sorry. 5 CHAIRMAN: At item 2 there is a reference to brakes at (c), 6 is there not, "Activation of brake"? So the machine 7 must always report when the brake has been applied? 8 MR YK CHAN: Well, the machine should be able to -- item 2 9 refers to it should be capable of recording those data 10 at every second interval. 11 CHAIRMAN: Yes. 12 MR YK CHAN: And store data every 30 seconds for a period of 13 two weeks. 14 CHAIRMAN: Yes. 15 MR YK CHAN: So all those (a) to (f), this black box should 16 be able to keep those information intact. 17 CHAIRMAN: Thank you for that explanation. That's the 18 minimum. But what is it that you say that you are 19 expecting the bus companies to do above the minimum? 20 MR YK CHAN: Well, actually, the system that we saw from -- 21 understand from -- actually, we saw how it works from 22 Citybus and New World First Bus -- it actually can 23 record all those information. 24 CHAIRMAN: Can record what? 25 MR YK CHAN: Speed.</p>
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<p>1 Braking where smoke is coming off the wheels; is that 2 it? 3 MR YK CHAN: No. 4 CHAIRMAN: Give us a real example; what does it mean? 5 MR YK CHAN: No, the definition of this one is actually -- 6 what it demonstrates is a deceleration force of 3.92 7 metres per second, which would be experienced by 8 a passenger sitting on a seat would fall off the seat. 9 So this is sort of a braking force that is large enough 10 or deceleration force large enough to cause a passenger 11 who normally sits on a seat and fall off. So this is 12 a requirement specified in this equipment. 13 CHAIRMAN: So a passenger seated but without a seat belt 14 would fall off a seat at this level of deceleration? 15 MR YK CHAN: Fall off the seat -- well, now, to put it more 16 technically, there was no dislodgement of passenger from 17 the seat in more than 95 per cent of the sample cases. 18 So this is a probability of 95 per cent of the 19 passengers would probably fall off the seat without 20 a seat belt, if a retardation force of 0.4G is applied 21 on the bus suddenly. 22 CHAIRMAN: Thank you. So what that then triggers is if you 23 have a deceleration of that kind, you must provide speed 24 for the previous three minutes, but that's it, is it? 25 MR YK CHAN: This is purely when you apply -- this is</p>	<p>1 CHAIRMAN: Yes. 2 MR YK CHAN: Let me refer to this -- it actually, obviously 3 can record the operating time. 4 CHAIRMAN: Are you referring to a document? 5 MR YK CHAN: Yes, the document, the minimum specification we 6 just talked about, in paragraph 2. Vehicle speed; 7 activation of the brake, that can be seen on the screen. 8 CHAIRMAN: Yes. 9 MR YK CHAN: Actually, whenever the bus pulls into the stop 10 and opens the rear door, that can be shown on the 11 screen. Obviously the GPS coordination actually can -- 12 CHAIRMAN: It's coordinates, is it not? 13 MR YK CHAN: Yes, the position of that bus, and whether 14 a bell has been pushed. All those information are able 15 to be provided by the bus company. 16 CHAIRMAN: But this is the minimum. I'm asking about what 17 it is you expect them to provide, because the black box 18 does a lot more than this, does it not? 19 MR YK CHAN: I think black box is a common term for 20 an equipment, telematics system installed on buses and 21 obviously they can provide various functions, but as far 22 as bus operation and fleet management is concerned, the 23 parameters specified are the parameters we are looking 24 for, particularly when you are talking about whether 25 a vehicle is actually speeding, whether the driver is</p>

Page 57	<p>1 driving in a proper manner, whether he's applying hard</p> <p>2 brakes or not, whether the driver actually is servicing</p> <p>3 the passengers in the correct manner, whether someone</p> <p>4 might complain about the bus driver did not stop. So we</p> <p>5 can actually see from the system that the driver</p> <p>6 actually pulled into the stop and also, in response to</p> <p>7 the bell, pushed bell, and see what happens, and also</p> <p>8 let the passenger get off the buses with the doors open.</p> <p>9 All this information is related to operation of the bus</p> <p>10 services, and this is really the key information that we</p> <p>11 are looking for.</p> <p>12 Also, the bus companies are actually developing</p> <p>13 their monitoring indicators as to how should this</p> <p>14 information be recorded and also how they analyse it</p> <p>15 later.</p> <p>16 CHAIRMAN: All this information is recorded. The question</p> <p>17 is getting them to analyse it and use it.</p> <p>18 MR YK CHAN: That's right.</p> <p>19 CHAIRMAN: The buses are awash with CCTV cameras. They've</p> <p>20 got these telematics devices that store all this</p> <p>21 information.</p> <p>22 MR YK CHAN: Yes.</p> <p>23 CHAIRMAN: But the question is: is it being used, and is it</p> <p>24 being used to enhance safety?</p> <p>25 On that note, we will take our morning break.</p>	Page 59
Page 58	<p>1 20 minutes.</p> <p>2 MR YK CHAN: Okay.</p> <p>3 (11.35 am)</p> <p>4 (A short adjournment)</p> <p>5 (11.55 am)</p> <p>6 CHAIRMAN: Yes, Mr Chan.</p> <p>7 MS MABLE CHAN: Chairman, sorry.</p> <p>8 CHAIRMAN: Yes.</p> <p>9 MS MABLE CHAN: Just before the break, on the point about</p> <p>10 whether we have asked the FB operators to provide the</p> <p>11 causes of --</p> <p>12 CHAIRMAN: May I invite you to be closer to the microphone.</p> <p>13 MS MABLE CHAN: Sorry. Before the break, you asked us to</p> <p>14 provide some evidence to see whether we have asked the</p> <p>15 FB operators to analyse the causes of those</p> <p>16 non-collision accidents, in particular the</p> <p>17 loss-of-balance accidents.</p> <p>18 May I refer you to our letter to KMB in the bundle.</p> <p>19 CHAIRMAN: The 21 May letter?</p> <p>20 MS MABLE CHAN: Yes, 21 May.</p> <p>21 CHAIRMAN: That's TD-5 at page 1728.</p> <p>22 MS MABLE CHAN: Yes. Thank you, Chairman.</p> <p>23 On page 8 of our letter.</p> <p>24 CHAIRMAN: Yes, page 1729.</p> <p>25 MS MABLE CHAN: May I refer to the last item, "Analysis of</p>	Page 60
	<p>1 traffic accidents involving KMB", and we asked them to</p> <p>2 conduct an analysis on the traffic accidents involving</p> <p>3 KMB in 2017, in conjunction with the situation in 2015</p> <p>4 and 2016, presented in annex E(i).</p> <p>5 May I refer to the annex E(i)?</p> <p>6 CHAIRMAN: Yes. Where do we find that?</p> <p>7 MS MABLE CHAN: Sorry, Chairman, perhaps the annex is not</p> <p>8 included in the bundle, but I can certainly submit --</p> <p>9 CHAIRMAN: What's included in the bundle is what we've been</p> <p>10 given either by KMB or by the Transport Department. But</p> <p>11 if you've got annex E(i), we can have it copied now.</p> <p>12 MS MABLE CHAN: Yes. Should I --</p> <p>13 CHAIRMAN: If someone can come forward and take the annex</p> <p>14 from you and then we will have it copied.</p> <p>15 MS MABLE CHAN: Sorry, Chairman, about that. (Handed).</p> <p>16 CHAIRMAN: Perhaps you could come back to that in a moment.</p> <p>17 MS MABLE CHAN: Sure.</p> <p>18 CHAIRMAN: Mr Chan, are there other questions you could ask</p> <p>19 in the meantime?</p> <p>20 MR DEREK CHAN: I could perhaps follow up on one factual</p> <p>21 matter arising out of the exchange between Mr Chairman</p> <p>22 and Mr Chan of the Transport Department about the</p> <p>23 black-box requirements, in the meantime.</p> <p>24 CHAIRMAN: Yes.</p> <p>25 MR DEREK CHAN: Perhaps, Mr Chan, I can take you to the new,</p>	
	<p>1 2018, black box minimum requirements which we had been</p> <p>2 looking at before the break, which is at appendix 2 of</p> <p>3 the working group's report.</p> <p>4 Do you have that in front of you, Mr Chan?</p> <p>5 MR YK CHAN: Yes. May I -- sorry.</p> <p>6 CHAIRMAN: Let Mr Chan get to his question and then you may.</p> <p>7 MR YK CHAN: I just want to make one point. Before the</p> <p>8 break, I answered to Chairman that the requirement under</p> <p>9 paragraph (a), the 0.4G, has it ever changed --</p> <p>10 CHAIRMAN: I think you will find that's where Mr Chan is</p> <p>11 taking you.</p> <p>12 MR YK CHAN: But after I double-checked with the 2003</p> <p>13 version, it's actually been changed from 0.2 to 0.4.</p> <p>14 CHAIRMAN: So it's been doubled, the deceleration threshold,</p> <p>15 0.2 to 0.4?</p> <p>16 MR YK CHAN: That's right. Yes.</p> <p>17 CHAIRMAN: And 0.4 is 95 per cent of people falling off</p> <p>18 their bus seats.</p> <p>19 MR YK CHAN: Yes, the chance of 95 per cent --</p> <p>20 CHAIRMAN: What's 0.2? How many fall off their bus seats at</p> <p>21 that level?</p> <p>22 MR YK CHAN: 0.4 was actually a threshold taken a long time</p> <p>23 ago, and at that time -- let me explain --</p> <p>24 CHAIRMAN: No, can you help me with -- perhaps you don't</p> <p>25 know the answer -- how many people fall off their bus</p>	

Page 61	<p>1 seats if the braking is 0.2?</p> <p>2 MR YK CHAN: I don't have the answer. I cannot answer.</p> <p>3 CHAIRMAN: Can you answer this question: why was it changed</p> <p>4 from 0.2 to 0.4?</p> <p>5 MR YK CHAN: The reason is that in 2006, when we discussed</p> <p>6 with the operators on this minimum specification,</p> <p>7 actually when we have meeting with them and assessing</p> <p>8 the performance of the requirement, it was come out that</p> <p>9 because the 0.2 really is a very, very, very light</p> <p>10 deceleration force which will come up very, very</p> <p>11 frequently and doesn't provide any meaningful indication</p> <p>12 for monitoring purpose, and at that time we have</p> <p>13 discussed with the operators and agreed at meetings that</p> <p>14 the 0.2G version was changed to 0.4, but unfortunately,</p> <p>15 at that time, the number hadn't been changed in the</p> <p>16 specification, so this time we take the opportunity to</p> <p>17 update it. That's why.</p> <p>18 CHAIRMAN: 12 years later? It took 12 years to update it?</p> <p>19 MR YK CHAN: Yes. I think this is an overlook that we</p> <p>20 should have done earlier.</p> <p>21 CHAIRMAN: Do you have minutes of this meeting of 2006 where</p> <p>22 this matter was discussed?</p> <p>23 MR YK CHAN: Yes, I think we have notes of meeting too.</p> <p>24 CHAIRMAN: Can you provide them to the committee?</p> <p>25 MR YK CHAN: Yes.</p>	Page 63
Page 62	<p>1 CHAIRMAN: Thank you.</p> <p>2 Now, Mr Chan, you were cut off. Perhaps, for the</p> <p>3 record, you can give us the reference to the 2003</p> <p>4 minimum requirements.</p> <p>5 MR DEREK CHAN: Yes. That's at TD-5, page 1598.</p> <p>6 CHAIRMAN: Perhaps we could have that on the screen.</p> <p>7 Yes. There it is. 3(a).</p> <p>8 This reference that you made to 95 per cent of</p> <p>9 people falling off the seat at 0.4G deceleration, is</p> <p>10 that a study that someone has conducted?</p> <p>11 MR YK CHAN: From our search, it was a study conducted by</p> <p>12 the US department of transportation in 1977.</p> <p>13 CHAIRMAN: Can you give us the details of that? Do you have</p> <p>14 that paper?</p> <p>15 MR YK CHAN: We can provide it later.</p> <p>16 MR DEREK CHAN: Does the study that you refer to include the</p> <p>17 probabilities of standing passengers losing their</p> <p>18 balance at 0.2 versus 0.4G?</p> <p>19 MR YK CHAN: Unfortunately, there is no reference made to</p> <p>20 the standing passengers, because for sitting passenger</p> <p>21 you have a proper seat and people will sit in</p> <p>22 a prescribed, defined area, but for people standing,</p> <p>23 that is another matter, because how people stand is</p> <p>24 really -- there's not much control and also there's no</p> <p>25 set form of standing. So, from that, we don't have any</p>	Page 64
	<p>1 sort of equivalent deceleration force applied make</p> <p>2 reference to standing passengers.</p> <p>3 CHAIRMAN: Yes, but we can readily infer by using common</p> <p>4 sense that they would all be on the floor, wouldn't</p> <p>5 they, if not through the front of the bus?</p> <p>6 MR YK CHAN: Yes and no. Because it really depends on how</p> <p>7 people stand, and we actually specify in the buses there</p> <p>8 are lots of devices to facilitate standing passengers,</p> <p>9 holding bars and grips, and if people are doing the</p> <p>10 right thing when standing then I think the chance of</p> <p>11 falling down may not be as severe. But of course we</p> <p>12 understand people, they come on the bus carrying their</p> <p>13 packages and walk around when the bus is moving, then</p> <p>14 that's another matter.</p> <p>15 CHAIRMAN: Mr Chan.</p> <p>16 MR DEREK CHAN: I have just been handed a document which --</p> <p>17 CHAIRMAN: I think this is the document that you wish to</p> <p>18 speak to -- we now have it -- headed annex E(i).</p> <p>19 MS MABLE CHAN: Yes, Chairman. This is the annex E(i)</p> <p>20 attached to the letter to the KMB as well as other</p> <p>21 franchised bus operators. In this table, we are asking</p> <p>22 them to categorise and analyse the contributing factors</p> <p>23 of traffic accidents involving bus captains. We have</p> <p>24 provided in this table for the handy reference</p> <p>25 a comparison of the number of bus captains involved in</p>	
	<p>1 those traffic accidents in three years, and we have</p> <p>2 divided the factors as listed in the table.</p> <p>3 So, in the second item, "Factors related to bus</p> <p>4 captains".</p> <p>5 CHAIRMAN: Yes.</p> <p>6 MS MABLE CHAN: And the second item -- because this is</p> <p>7 a partial description of the nature of the accidents, we</p> <p>8 have input here as stopping or starting negligently as</p> <p>9 an example, and following this description, in our</p> <p>10 letter to the various bus operators, the bus operators</p> <p>11 are elaborating in their safety chapter the various</p> <p>12 factors relating to these kinds of accidents.</p> <p>13 And in terms of stopping and starting negligently,</p> <p>14 we notice in their safety chapter, which is being</p> <p>15 finalised for our consideration, that in the case of</p> <p>16 KMB, they are actually subdividing the accident counts</p> <p>17 by the incidence of accelerating, of bus braking in</p> <p>18 traffic, bus braking when stopping for passengers, when</p> <p>19 pulling off or leaving bus stop. So there are</p> <p>20 individual categorisation of number of accident counts</p> <p>21 in terms of the bus braking under various circumstances.</p> <p>22 So while the bus braking is not specifically</p> <p>23 mentioned in this table, because this is a starting</p> <p>24 reference for them, and we expect them to provide the</p> <p>25 detailed accounts of the accident situations, they are</p>	

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<p>1 providing in their safety chapter on the causes, whether 2 or not hard braking is applied during the traffic or 3 whether they are pulling off from the bus stop, 4 et cetera. 5 Thank you, Chairman. 6 CHAIRMAN: Can you just help me, at least: where has this 7 data come from? 8 MS MABLE CHAN: The data has been compiled with reference to 9 the past accident statistics described in the previous 10 bus safety chapters of the various bus operators. 11 CHAIRMAN: So is this collation of data an exercise done by 12 the Transport Department? This table in front of us, 13 this one page. 14 MS MABLE CHAN: Maybe Tony, our chief engineer, can help us 15 on that. 16 CHAIRMAN: Yes. 17 MR TONY YAU: Chairman, yes, this data we collected from the 18 police traffic accident system. 19 CHAIRMAN: From the police? 20 MR TONY YAU: Yes. 21 CHAIRMAN: But it is the Transport Department that have 22 produced this document? 23 MR TONY YAU: Yes. 24 CHAIRMAN: And what are these police statistics called? 25 MR TONY YAU: The name is case investigation --</p>	<p>1 the screen is the factors that the police referred to. 2 That mean when they input the traffic data, they will 3 choose the factors that contribute to the accident. 4 CHAIRMAN: Yes, Mr Chan. 5 MR DEREK CHAN: If I may move back to, at a more conceptual 6 level, the use of a safety performance indicator, which 7 we had been discussing before the break. 8 CHAIRMAN: Before you do that, let me ask this of Ms Chan, 9 if I may: this letter that you wrote to the Kowloon 10 Motor Bus Company -- I'm looking at page 1729 now, where 11 we find annex E(i) -- there is no indication in the text 12 of the letter as to where this data comes from, is 13 there? 14 MS MABLE CHAN: No, Chairman. 15 CHAIRMAN: Is there any reason why you wouldn't tell KMB 16 where the data comes from? 17 MS MABLE CHAN: If I may explain. Because it's quite 18 a common practice for us to refer to the police database 19 on the number of accidents and also the categorisation 20 of the causes of the accidents, because apart from the 21 police, TD do not categorise the number or the nature of 22 the accidents. 23 So, actually, this traffic accident data compiled in 24 2015, 2016 and 2017, as attached to the letter, there is 25 actually a subsequent briefing for the FB operators on</p>
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<p>1 CHAIRMAN: Speak closer to the microphone, if you would. 2 MR TONY YAU: Because they have changed to a new system with 3 a new name. 4 The system is named case management incident system. 5 CHAIRMAN: CMIS I think is the acronym they use. 6 MR TONY YAU: Yes. 7 CHAIRMAN: Because we had evidence from the police. 8 MR TONY YAU: Yes. 9 CHAIRMAN: And you have access to their data bank, do you 10 not? 11 MR TONY YAU: Yes. 12 CHAIRMAN: Have you read the transcript of the evidence that 13 the police gave us not so long ago? 14 MR TONY YAU: No. We only can access the data -- 15 MS MABLE CHAN: The transcript, police transcript. 16 MR TONY YAU: Yes. 17 CHAIRMAN: Then you know that the police told us that they 18 had a template of I think 60 factors that was given to 19 the police constable who's investigating the accident, 20 and he ticks one or more of these boxes and then inputs 21 it into the computer; that's how this data is obtained. 22 Then apparently it is reviewed by someone higher up. 23 So that's where this information is coming from, the 24 police? 25 MR TONY YAU: That's another table, those factors shown on</p>	<p>1 our expectations. So we just have a briefing and there 2 is no sort of written records. So, on that briefing, we 3 are explaining to them the details of the data that we 4 are expecting. So we do not have a record of the 5 discussion but obviously it is quite a common knowledge 6 of the bus operators that we are referring to that 7 accident database as administered by the police and have 8 access by the TD. 9 CHAIRMAN: Yes. 10 MR DEREK CHAN: Ms Chan, returning, if I may, to the issue 11 of the safety performance indicator. I seem to 12 understand from your evidence that you disagree with the 13 use of a safety performance indicator. Just to make 14 sure that I'm correct in understanding, I'm just going 15 to put to you two short passages in Prof Stanley's 16 evidence, just to make sure there is no ambiguity in 17 what we are talking about. 18 Can I take you to the transcript of Day 16, which is 19 15 September 2018, at page 61 of the transcript. Can 20 I start with the question at page 61, line 21, where the 21 chairman asks: 22 "What other ways can one measure safety?" 23 And Prof Stanley says this: 24 "I think accident rate is a really good starting 25 point, and if you look at some of the reporting that has</p>

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<p>1 been done I think in the safety plans of the five-year 2 forward plans, there's information on fatalities, 3 collisions, non-collisions -- 'slips, trips and falls' 4 types of involvement involvements as well -- and in my 5 view, if you are going to go down the path of developing 6 safety as an incentive or penalty provision, I would 7 drill down into where are the safety problems. So you 8 wouldn't use accident involvement rate in total; you 9 would look at the fatality rate, you would look at 10 'slips, trips and falls'. And you would form a view, 11 I think, on what is the relative importance of those two 12 things. 13 I think one operator I saw, for example, had 14 an increase in the 'slips, trips and falls' type 15 accidents, but a drop in fatalities. So, if you add 16 them up together, and say one incident is an incident, 17 you are missing that nuance. So I would be trying to 18 decompose it a bit and look at the major areas of safety 19 concern and make sure that there are KPIs, if you like, 20 or incentive/penalty clauses that relate to those. That 21 means you are going to really end up with a bundle, 22 I think, of measures. I don't know how many elements 23 are in that bundle. That's something that needs to be 24 settled by negotiation between government operators with 25 advice, for example, from committees such as your own,</p>	<p>1 things you would want to include as well." 2 So do I understand it correctly, from your evidence 3 this morning, that you would disagree with this approach 4 to measure safety? 5 MS MABLE CHAN: I would like to elaborate a little bit more 6 on my stance and observation. 7 First of all, when being asked before the break 8 whether or not I agree with Prof Stanley's point that 9 the KPI simply cannot be a useful factor in measuring 10 the safety performance, my answer is I do not agree 11 because, similarly, I think that there should be 12 a reference point and a starting point, and for the 13 management -- 14 CHAIRMAN: Well, you disagreed earlier that a KPI that is 15 outside the control of the bus company is not relevant. 16 I think that was the issue; it's a KPI that's outside 17 control. That was Prof Stanley's point. 18 MS MABLE CHAN: My point is noting the KPI on the safety 19 factor in terms of number of accidents, while that to 20 a certain extent may not be controlled by the company at 21 all, we still think that this KPI is useful in measuring 22 the service performance. 23 On the other hand, as I mentioned, because 24 an accident could be contributed by a number of factors, 25 if we go down to a very specific indicator, say for</p>
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<p>1 about what the components are. 2 But I would start with what are the main sources of 3 safety problems and start to target those." 4 On that same subject, can I take you to page 72 in 5 the same transcript, at line 18. Prof Stanley is saying 6 that: 7 "... accident rates per million vehicle-kilometres 8 are a very blunt and, I believe, a misleading measure." 9 The question that I was asking: 10 "You would need a more nuanced indicator or set of 11 indicators? 12 Prof John Stanley: Absolutely. You need a set of 13 more nuanced indicators. These should form part of it, 14 but it should be the components, not the total. 15 And the components need to be weighted in some way 16 to reflect -- I mean, as an economist, I would use the 17 cost of those different sorts of accidents, which we 18 regularly measure in Australia and I'm sure you do here 19 in Hong Kong: you have a value for a typical fatal 20 accident, you have a value for a typical serious injury 21 accident, and you have a value for a typical slight 22 injury accident. I would use those weights to come up 23 with a weighted, if you like, accident rate per million 24 vehicle-kilometres. 25 Have in mind also, though, there would be other</p>	<p>1 example the number of accidents involving a bus captain 2 who apply harsh braking in certain circumstances, if we 3 do not go deep to investigate the contextual 4 circumstances of that occasion, this kind of indicator, 5 again, may not be primarily contributed by the driver 6 alone. 7 As I have already seen a number of occasions, as 8 revealed from the CCTV by one or two of the bus 9 operators, when the black box tracks an event log 10 whereby the bus captain has applied harsh braking, 11 without the investigation of the other data collected as 12 revealed from the CCTV, we do not know that perhaps it 13 may involve an outside factor which cannot be controlled 14 by the driver or the company as well. It could be the 15 driver has to make a hard choice in whether or not he 16 has to apply harsh braking in order to prevent colliding 17 with another vehicle or a passenger, that he has applied 18 harsh braking, and it also leads to losing balance of 19 a passenger on board a compartment. 20 My point is just to illustrate that it is difficult 21 for us to come up with a simple, specific indicator 22 alone, to measure the safety performance of the company. 23 Prof Stanley's suggestion of, say, coming up with 24 a weighted accident rate could be an area that we can 25 consider and further discuss and explore, but still we</p>

<p style="text-align: right;">Page 73</p> <p>1 need to have a reference point and we need to have 2 a starting point. In having a safety performance 3 indicator like the number of accidents or the number of 4 accidents involving the bus travelling distance, we can 5 have a trendal comparison or analysis, year on year. As 6 illustrated in KMB's case, we can see that there is 7 an increase in the number of accidents rate in 2017 as 8 compared to 2016 and also exceeding the target rate. 9 These are targets or pledges set by the companies 10 themselves. So that also can serve the purpose in 11 evaluating whether they have made their very best in 12 reducing the number of accidents year on year and 13 whether they are complying with the pledge that they 14 have volunteered and offered to us. 15 Thank you, Chairman. 16 MR DEREK CHAN: What about Prof Stanley's opinion that using 17 that measure is too blunt and may be misleading; do you 18 agree with that? 19 MS MABLE CHAN: I think I have tried to answer that 20 question. 21 MR DEREK CHAN: Thank you, Ms Chan. 22 Then if I may take you to how London is doing it at 23 the moment. 24 What I'm going to do, Ms Chan, is first take you to 25 a passage in Mr Weston's report on the London approach.</p>	<p style="text-align: right;">Page 75</p> <p>1 CHAIRMAN: I think it's important to emphasise the point 2 that this safety performance indicator is being 3 developed for use in the bus safety programme, and it's 4 the bus safety programme that will be announced on 5 16 October. So this is a new system. 6 MS MABLE CHAN: Yes. I understand that, because we have 7 exchanges with the Transport for London commissioner as 8 well. 9 CHAIRMAN: Can you speak closer to the microphone, please. 10 MS MABLE CHAN: I also noticed their new initiative and we 11 have exchanged with Transport for London and obviously 12 we are also striving to see if there is an effective 13 measurement of the safety performance of the bus and 14 rail industry. 15 Thank you. 16 MR DEREK CHAN: Perhaps I can quickly take you to 17 Mr Weston's evidence on this same paragraph of the 18 report. That's at evidence at Day 18, 27 September 19 2018, at page 52. 20 Can I take you to the end of page 51 first. At line 21 23, you will see a question from Mr Duncan. 22 CHAIRMAN: We don't see anything on our individual screens 23 yet. 24 Yes, thank you. 25 MR DEREK CHAN: At line 23, you see Mr Duncan taking</p>
<p style="text-align: right;">Page 74</p> <p>1 I'm going to take you then to a short passage in his 2 evidence that relates to what I'll be reading from the 3 expert report, and then I will be going to a document 4 from Transport for London on the same issue. So, with 5 that information in mind, I will be asking for your 6 observations on London's approach. 7 Firstly, Mr Weston's report. Can I take you to the 8 expert bundle at page 150, at paragraph 7.8 of 9 Mr Weston's report. Can I just first read it out into 10 the record. Under the heading "TfL safety performance 11 indicator", Mr Weston says this: 12 "As part of the bus safety programme TfL [Transport 13 for London] have developed a safety performance 14 indicator (SPI) based on an approach already used within 15 the rail industry. The SPI monitors a basket of 16 measures including incident data and outputs from the 17 observational measures giving an operator an overall 18 score which is benchmarked at 80. Their individual 19 future performance is then measured against the 20 benchmark to track for either deterioration or 21 improvement. The system is not designed to compare bus 22 companies between each other but to track the trend of 23 an individual company." 24 So that's what Mr Weston says in his report. I'm 25 going to take you then --</p>	<p style="text-align: right;">Page 76</p> <p>1 Mr Weston to paragraph 7.8 of the report, which we've 2 just read. Can I then skip to page 52, line 4. 3 Mr Duncan asks this question: 4 "Is that the safety performance indicator which 5 Mr Chairman referred to but which has not yet been 6 published? 7 Mr Weston: Yes. This is a proposal which TfL are 8 working on, and one of the bus operators explained to us 9 in August what would be involved in this basket. So, 10 basically, it is 41 measures that are brought together 11 into a safety performance score, and these measures may 12 be weighted in different ways. So the measures may be 13 'killed or seriously injured' figures, they may be 14 'slips, trips and falls', various other monitoring 15 results from engineering monitoring to driver 16 monitoring, and they are all brought together. 17 The idea is that they are brought together into 18 a benchmark score of 80 for each operator, and the aim 19 then is to monitor an operator's trend against that 20 baseline of 80, and they are weighted in such a way 21 that -- it is weighted so that the whole basket -- the 22 trend is not just -- if you are unfortunate in having 23 a fatal incident, which may not even be down to the bus 24 company's fault, that doesn't send the score completely 25 off the scale. So it's about trying to monitor trends</p>

Page 77	<p>1 within the company and not to use it as comparing your 2 performance with your peer group, because I think the 3 concern then is that if you're the best, you think you 4 don't need to necessarily do anything else to improve, 5 but I think there is a recognition that everyone can be 6 better and be safer. So the idea is your safety 7 performance indicator is benchmarked at 80, and then 8 along with TfL you monitor your performance against that 9 baseline of 80 and you try and improve on it and improve 10 that score.</p> <p>11 I think the intention is that will be announced 12 publicly, the content of it will be announced publicly 13 in due course, but it hasn't been as of yet."</p> <p>14 Lastly, can I refer you to a document published by 15 the Transport for London on this very same issue. Can 16 I take you to bundle MISC-3, page 1194. Perhaps I could 17 start at 1189, which is the first page of the document.</p> <p>18 Ms Chan, the document I am taking you to is 19 an update on the bus safety programme published by 20 Transport for London, in response to London's Assembly 21 Transport Committee report.</p> <p>22 CHAIRMAN: This is November 2017?</p> <p>23 MR DEREK CHAN: Yes, that's correct, Mr Chairman. I'm just 24 trying to find the date.</p> <p>25 Anyway, Ms Chan, can I just take you to page 1194,</p>	Page 79	<p>1 So, Ms Chan, my question for you is this --</p> <p>2 CHAIRMAN: Are you going to go to the document entitled, 3 "Driven to distraction", the Greater London Assembly's 4 earlier document dealing with this issue?</p> <p>5 MR DEREK CHAN: Yes, I was going to deal with it in the 6 context of giving incentives, because that's what --</p> <p>7 CHAIRMAN: Yes, because this is a response to what the 8 Greater London Assembly had had to say.</p> <p>9 By all means do it whenever you like, but I think 10 that's the context. This is Transport for London's 11 response to what was in effect an attack on their 12 approach.</p> <p>13 MS MABLE CHAN: Yes.</p> <p>14 MR DEREK CHAN: Perhaps I can come back to that, because it 15 is a document I will go to shortly after.</p> <p>16 CHAIRMAN: Certainly.</p> <p>17 MR DEREK CHAN: Ms Chan --</p> <p>18 MS MABLE CHAN: Yes.</p> <p>19 MR DEREK CHAN: -- I'm not suggesting we need to copy 41 20 factors that London uses. My question is more on 21 a conceptual level, about the idea of coming up with a 22 basket of measures to form an overall safety performance 23 indicator, with which we can monitor and measure the 24 progress that a bus operator makes, and to encourage 25 them to improve as against that measure.</p>
Page 78	<p>1 which is headed, "Contract and performance management". 2 The introduction says:</p> <p>3 "We use a range of data as part of the assessment of 4 an operator's ability to provide a safe service. As 5 part of the bus safety programme we are considering 6 methods to improve this process and to increase the 7 emphasis on safety in the award and management of 8 contracts.</p> <p>9 Progress</p> <p>10 Having considered a range of methods to best monitor 11 operator safety, we are developing an operator safety 12 performance index (SPI). The SPI is based on the same 13 principle as the consumer price index, that is, 14 a composite measure, using basket of indicators to 15 generate a single performance index. The operator SPI 16 builds on the success of the TfL bus network-wide SPI 17 which was introduced in 2017 to better monitor safety 18 performance across 81 safety-related indicators. The 19 operator SPI will include 41 indicators, a mix of 20 incident-generated data and behavioural observations, 21 covering: staff and customer safety, network safety, 22 risk management, driving standards and engineering. 23 Each operator's performance will be tracked against 24 their own baseline, to encourage continuous 25 improvement."</p>	Page 80	<p>1 What is your observation about that type of 2 approach?</p> <p>3 MS MABLE CHAN: Thank you, Chairman, and senior counsel, for 4 drawing reference to the initiative of Transport for 5 London. Actually, we also take note of their recent 6 initiative, which is actually November 2017. We have 7 actually arranged our officers to visit Transport for 8 London, which has been planned some time ago, to learn 9 more about their road safety and public transport safety 10 programme and plans.</p> <p>11 I think the gist of the initiative is to -- the 12 conceptual rationale is to take into account a basket of 13 factors in evaluating the safety performance of bus 14 operators. We think that there should be a performance 15 indicator, at least a performance indicator for us to 16 evaluate the safety of the bus company. That said, we 17 also think that if we can move towards the direction of 18 embracing a number of key relevant factors, and come up 19 with a simple index or indicator, that could be an area 20 that we can further explore and study and examine.</p> <p>21 Meanwhile, with the working group recommendations to 22 push for a comprehensive and holistic bus fleet 23 monitoring and control management system, what we are 24 pushing for is to ask the bus companies to install all 25 the relevant devices and to provide real-time monitoring</p>

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<p>1 of the drivers' attitude and behaviour, to keep track of 2 the key events, say like braking, harsh braking or 3 acceleration, in the black-box log, coupled with our 4 expectations of the bus operators to follow the training 5 framework. All these could be a number of factors that 6 we can take into account in further developing a more 7 sophisticated performance indicator on safety. 8 So this is something that we also have interest in, 9 and with all the other recommendations and developments 10 on the real-time automatic surveillance of a bus 11 operation and drivers' behaviour and attitude, I think 12 we will have firmer ground for us to explore and discuss 13 this with the bus operators, in order to find 14 a pragmatic way and yet a more sophisticated way to 15 measure the bus operators' safety performance. This is 16 certainly an area that we will have keen interest to 17 examine and study. 18 Thank you. 19 CHAIRMAN: When do you expect to be able to identify the 20 relevant factors and come up with a simple index of 21 performance? 22 MS MABLE CHAN: I cannot commit at this juncture, but being 23 the head of the department and with our initiative to 24 visit Transport for London on the whole rationale and 25 issues involved in this sort of SPI, we would certainly</p>	<p>1 used in London; is that what you have in mind? 2 MS MABLE CHAN: I also noticed that reference in the expert 3 evidence about a forum, operators' forum. So while we 4 call it a working group, it is similar in terms of its 5 nature and in terms of its scope of work. 6 Thank you, Chairman. 7 CHAIRMAN: No, the specific question is this: do you have in 8 mind making this permanent, not a working group working 9 on a particular project, but a permanent group that 10 would meet regularly, in future? 11 MS MABLE CHAN: It will be a permanent group which will meet 12 regularly. 13 CHAIRMAN: And it would be similar, therefore, to the Bus 14 Operator Forum which exists in London? 15 MS MABLE CHAN: Yes. 16 CHAIRMAN: Which is what Mr Weston has recommended we adopt 17 in Hong Kong. So you are accepting his recommendation? 18 You are doing it? 19 MS MABLE CHAN: Yes. Yes. Thank you, Chairman. 20 MR DEREK CHAN: Ms Chan, so the first side of the equation 21 is coming up with some combined, sophisticated safety 22 performance indicator. The second part of this same 23 equation is the concept of incentivising or having 24 penalties imposed in, say, a franchise agreement, for 25 meeting or not meeting targets for this safety</p>
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<p>1 hope to come up with some preliminary thinking and 2 analysis, say within a year, Chairman. 3 Thank you. 4 CHAIRMAN: Is this something that you have discussed with 5 the franchised bus operators? 6 MS MABLE CHAN: We haven't yet reached that stage, but 7 obviously, with the development of key performance 8 indicators on training, and with the real-time 9 monitoring with the black-box functions and all the 10 other driver-assisted device, I think now we are in the 11 process of following up all these in our working group 12 forum. As I mentioned in my opening statement, with the 13 learning of the various experiences and views and 14 suggestions through this Independent Review Committee, 15 both the operators and the TD find the working group as 16 a very useful forum. We will continue our work on that 17 front and that will be an appropriate forum to bring the 18 parties together to pursue all these meaningful 19 initiatives to enhance measurement of safety performance 20 of franchised bus operators. We will take it forward in 21 that forum, Chairman. 22 CHAIRMAN: You have used the word "forum" several times 23 there. Do you have in mind the recommendation that 24 Mr Weston made that this working group should become 25 a standing committee, a Bus Operator Forum is the term</p>	<p>1 performance indicator. That's the concept I want to 2 explore with you. 3 For that, can I take you directly to the London 4 Assembly Transport Committee, the "Driven to 5 distraction" document that Mr Chairman was talking 6 about. The document is at MISC-3, page 1134, and the 7 document, as you can see, is dated July 2017. 8 The concept that I'm focusing on is incentivising 9 safety, or penalising it, for not meeting certain 10 targets. 11 Can I take you to page 1151 of the report. Perhaps 12 I should start on 1150, to give it some context. 13 Under the heading "Setting safety targets", if I can 14 pick it up under paragraph 2.2: 15 "Injury and collision targets could be used to 16 provide TfL and operators with clear incentives to 17 improve London's bus safety record. They have a clear 18 role in improving performance for many private and 19 public services. As we explore in this chapter, 20 performance targets have helped TfL drive up the 21 reliability of the bus network in recent years. We 22 believe that a similar approach could also be applied to 23 bus safety by directly linking safety performance to 24 profits for all bus operators working in London, and to 25 the pay of senior TfL management."</p>

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<p>1 Now 2.3: 2 "TfL has told us that it intends to introduce bus 3 safety targets, but there is no indication that they 4 would be linked to financial incentives. In November 5 2016, TfL's Safety, Sustainability and Human Resources 6 Panel was asked to agree a bus customer major injury 7 target for 2007/18. TfL also told us in February that 8 it would aim to set bus safety targets by the end of the 9 year. We are waiting for TfL to publish these targets, 10 but we think that they need to be linked to financial 11 incentives if they are to be effective." 12 So it's the second part that I am focusing on. 13 If you go over the page, at page 1151, can I pick it 14 up at 2.6: 15 "TfL has previously explained its decision not to 16 set safety targets for the operators by stating that: 17 '[Safety] is not directly related to 18 payments/deductions due to the importance of avoiding 19 the suggestion that safety of operation is in any way 20 a negotiable trade off against cost.' 21 While we understand TfL's argument, we fundamentally 22 disagree with it. Operators will behave in line with 23 the incentives (particularly the financial ones) that 24 are set by TfL -- their shareholders would expect 25 nothing less. By not factoring safety into the payment</p>	<p>1 related to a financial subsidy or payment to the 2 operator or a financial penalty to the operator will 3 involve a lot of discussion and debate in the context of 4 Hong Kong whereby we actually operate bus services under 5 a franchise model. 6 So, conceptually, we are operating under a different 7 model. This is the first point I wish to make. 8 Secondly, under our current regime, we have a 9 statutory provision whereby if a franchised bus operator 10 fails in providing a proper and efficient service, then 11 we can make a case to the Executive Council as to 12 whether or not we can impose a financial penalty. 13 So I think, in the Hong Kong context, should we in 14 the future come up with a more sophisticated safety 15 performance index or so, it may provide a more effective 16 and meaningful reference or basis for us to make our 17 cases to the Executive Council as to penalise in terms 18 of financial terms on a bus operator for failing to 19 fulfil its target in terms of safety performance. 20 On the other hand, whether or not we can sort of use 21 this and translate into a financial payment to the 22 operator, I think it is a different game. We know that 23 this one is currently discussed and explored in London. 24 Obviously, we will learn a bit more directly from 25 Transport for London on this, but at this juncture</p>
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<p>1 structure of contracts, TfL is failing to direct 2 operators to provide the safe service we think London 3 needs. As the case study below illustrates, financial 4 payments have been successfully linked to safety in 5 transport contracts in other countries." 6 The box itself talks about the Spanish example which 7 I will skip for the moment. If I could pick it up again 8 at 2.7: 9 "If TfL wants to take positive steps to reduce 10 injury and collision rates, it must introduce meaningful 11 incentives for operators to make their services safer. 12 Londoners agree with us: of the 1,662 Londoners we 13 surveyed, 88 per cent thought it was important that TfL 14 incentivised safety as well as punctuality." 15 So, Ms Chan, from a conceptual level, can I ask for 16 your observations or comments on this concept of 17 incentivising safety and penalising not meeting targets. 18 MS MABLE CHAN: First of all, I think this is not an easy 19 topic. It involves correlation of the safety 20 performance to the financial payment or financial 21 penalty to the operator. I think this suggestion or 22 this idea raised in the London circumstances whereby we 23 know that in London, they implement a sort of MOM model, 24 a management and operation model, for their bus 25 services. Whether or not the safety performance can be</p>	<p>1 I will not take this lightly. So we will keep an open 2 mind and KIV the developments and obviously we will take 3 into account the experience in London as well as in 4 other jurisdictions. We will not rule out the 5 possibility for us to deliberate and explore this 6 internally, but my point is whether or not we can take 7 it forward, we have to take into account a number of 8 other factors and in a very careful and prudent manner. 9 Thank you. 10 MR DEREK CHAN: Yes. Unless you have any further 11 observations on this issue about benchmarking, 12 indicators, and incentivising issue, I will be moving on 13 to my next topic. 14 CHAIRMAN: Just to understand what the Greater London 15 Assembly were saying here, at 2.6 on page 1151, there's 16 a reference to what TfL had said, "safety is not 17 directly related to payments/deductions". Now, that 18 phrase "payments and deductions" is clearly a reference 19 to their system, which we don't have, of incentivising 20 better performance of service provision, and penalising 21 a failure to deliver performance service. 22 What the Greater London Authority appear to be 23 saying is that if you can do it for performance, then 24 you can do it for safety. But your point is this, that 25 our model of Hong Kong is different, we don't have</p>

Page 89	<p>1 a system of bonuses or deductions, so all that perhaps</p> <p>2 we would be left with would be a system of penalties, if</p> <p>3 you fail to meet a safety performance indicator.</p> <p>4 MS MABLE CHAN: Yes.</p> <p>5 CHAIRMAN: That's what they have in Singapore, is it not?</p> <p>6 MS MABLE CHAN: Yes. Chairman, actually, the penalty</p> <p>7 provision is now currently in the law, so we can refer</p> <p>8 to that clause, and with the development of more</p> <p>9 sophisticated and balanced performance safety</p> <p>10 indicators, one area that we can further develop and</p> <p>11 take forward in our forum with the bus operators is how</p> <p>12 that can translate into a more systematic and formalised</p> <p>13 system of imposing penalty.</p> <p>14 Of course, in the past, there are accounts that we</p> <p>15 have imposed both statutory fines or penalty by</p> <p>16 referring to this clause. We have. But how it can</p> <p>17 relate systematically to a sophisticated performance</p> <p>18 indicator, including safety, is something that we can</p> <p>19 seriously take forward in our working group with the bus</p> <p>20 operators.</p> <p>21 CHAIRMAN: When was such a penalty last imposed?</p> <p>22 MS MABLE CHAN: I have the data with my folder, but perhaps</p> <p>23 I need to find time and supplement it to the committee</p> <p>24 in a moment.</p> <p>25 CHAIRMAN: Yes, because it was my memory that when this</p>	Page 91	<p>1 MS MABLE CHAN: Chairman, based on the current records</p> <p>2 I have, there is an account of us imposing a penalty in</p> <p>3 1996, but we will further check as to the basis upon</p> <p>4 which we have imposed that fine.</p> <p>5 CHAIRMAN: No doubt that was on China Motor Bus.</p> <p>6 MS MABLE CHAN: Yes, Chairman, you are correct.</p> <p>7 CHAIRMAN: Yes, Mr Chan.</p> <p>8 MR DEREK CHAN: Mr Chairman, just to follow up on the</p> <p>9 reference to the evidence on 7 May, the issue was raised</p> <p>10 with the Secretary for Transport and Housing Bureau,</p> <p>11 Mr Joseph Lai. That is page 8 of the transcript for</p> <p>12 7 May 2018.</p> <p>13 CHAIRMAN: Yes. Perhaps we could have that on the screen.</p> <p>14 MR DEREK CHAN: I'm looking at the transcript for 7 May</p> <p>15 2018, at page 32, line 19.</p> <p>16 CHAIRMAN: Just wait until we can all share it.</p> <p>17 MR DEREK CHAN: Chairman asked this question:</p> <p>18 "Before you move on, Mr Duncan -- by that do you</p> <p>19 mean no financial penalty has ever been invoked?"</p> <p>20 Mr Joseph Lai: Chairman, by that I mean the</p> <p>21 question of safety issue leading to an attempted use of</p> <p>22 this particular section concerning financial penalty has</p> <p>23 never been invoked thus far, so it's not tested."</p> <p>24 Then Mr Duncan goes on to ask:</p> <p>25 "So do we understand correctly from that answer that</p>
Page 90	<p>1 issue was dealt with on 7 May, we were told that it had</p> <p>2 never been used.</p> <p>3 MS MABLE CHAN: Yes.</p> <p>4 CHAIRMAN: Am I correct in remembering that, Mr Chan?</p> <p>5 MR DEREK CHAN: Yes, that accords with my memory, but I need</p> <p>6 to dig up the reference to be sure.</p> <p>7 CHAIRMAN: Yes.</p> <p>8 But you are telling us it has been used?</p> <p>9 MS MABLE CHAN: Let us double-check on that, and the date.</p> <p>10 Let us double-check on that and then we will supply the</p> <p>11 information later in this hearing.</p> <p>12 CHAIRMAN: Yes, certainly.</p> <p>13 Mr Chan, do we have the provision that obtains in</p> <p>14 Singapore? My memory is that it is a financial penalty,</p> <p>15 I think S\$100,000, if an accident rate is exceeded,</p> <p>16 a specific accident rate.</p> <p>17 MR DEREK CHAN: I have an idea of where that may be, but</p> <p>18 perhaps we can deal with that reference over the break.</p> <p>19 CHAIRMAN: Certainly.</p> <p>20 Mr Auyeung?</p> <p>21 MEMBER AUYEUNG: Ms Chan, is it true that such penalty</p> <p>22 system does exist within the public transport system in</p> <p>23 Hong Kong, for example within the MTR system?</p> <p>24 MS MABLE CHAN: Yes, you are correct.</p> <p>25 MEMBER AUYEUNG: Thank you.</p>	Page 92	<p>1 no financial penalty has ever been imposed for any of</p> <p>2 the reasons set out in that section, section 22?</p> <p>3 Mr Joseph Lai: Chairman, not to my recollection or</p> <p>4 understanding. I would be more than happy to come back</p> <p>5 with a written confirmation of that, but certainly not</p> <p>6 in recent times."</p> <p>7 CHAIRMAN: That's a matter that you can come back to.</p> <p>8 MS MABLE CHAN: Chairman, Mr Joseph Lai's statement is</p> <p>9 correct, because he was answering in respect of safety.</p> <p>10 The recollection is there has not been any fine imposed</p> <p>11 on previous occasions. The incident that I mentioned</p> <p>12 regarding China Motor Bus in 1996 is regarding the lost</p> <p>13 trips of that franchised bus operator and we imposed</p> <p>14 a fine of 8,000 on China Motor Bus in -- the incident</p> <p>15 was in 1995 and we imposed the fine in 1996.</p> <p>16 CHAIRMAN: But I think there was a second part to the</p> <p>17 answer -- I'm only looking at the screen. We can see at</p> <p>18 the top of the screens:</p> <p>19 "... no financial penalty has ever been imposed for</p> <p>20 any of the reasons set out in that section, section 22?"</p> <p>21 And that also got a negative answer, to his</p> <p>22 understanding. So that's now been qualified, has it?</p> <p>23 Does section 22 deal with a range of matters for which a</p> <p>24 penalty can be applied?</p> <p>25 MS MABLE CHAN: Proper and efficient service, and safety is</p>

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<p>1 one of the factors that we consider in whether or not 2 a franchised bus operator is providing a proper and 3 efficient service. 4 CHAIRMAN: So, insofar as that suggests it has never been 5 applied for any of the reasons, that's now qualified; it 6 had been imposed for lost trips occurring in 1994 but 7 the penalty was imposed in 1996? 8 MS MABLE CHAN: 1995 lost trips, and the fine was imposed in 9 1996. 10 CHAIRMAN: Thank you. 11 Yes, Mr Chan. 12 MR DEREK CHAN: Mr Chairman, I am about to move to the next 13 substantive topic of the approach to bus safety taken by 14 the Transport Department. I was going to kick it off 15 with a general question. Perhaps I can ask that -- 16 CHAIRMAN: We are not going to have the commissioner this 17 afternoon, so perhaps it's a good opportunity to ask the 18 general question. 19 MR DEREK CHAN: Yes. 20 Ms Chan, the general question I'm going to kick off 21 this topic with is this. In the context of the 22 Hong Kong system, who is responsible for driving bus 23 safety or driving improvements to bus safety? Who 24 provides the impetus for new safety measures to be 25 implemented?</p>	<p>1 for joining hand in hand to push and drive for public 2 transport safety. 3 Thank you. 4 MR DEREK CHAN: Do I take it from that answer there is no 5 team within the Transport Department that's dedicated 6 solely to bus safety? 7 MS MABLE CHAN: There is not a single team, but the Bus and 8 Railway Branch oversees all policy and operational 9 matters related to franchised buses, and the Road Safety 10 and Standards Division will also provide impetus and 11 input to enhance road safety, including public bus 12 safety. 13 So, apart from these two major divisions, we have 14 the Vehicle Safety and Standards Division, which is 15 responsible for monitoring and regulating on the 16 hardware, ie the maintenance and the standards of buses. 17 And the assistant commissioner is Mr Reg Chan, who is 18 also acting as deputy commissioner of the Transport 19 Department. They oversee in general the vehicle 20 standards and safety of vehicles, including franchised 21 buses. 22 CHAIRMAN: There was a second part to the question, which 23 was: who is responsible for new innovations? 24 Technological safety devices, let's try that. 25 MS MABLE CHAN: This is a very interesting subject,</p>
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<p>1 MS MABLE CHAN: I would say, in terms of public transport, 2 and in particular bus safety, the Transport Department 3 will no doubt be the party to be responsible to monitor 4 and enhance the safety of bus operation, and we will 5 make our effort to drive public transport safety. 6 MR DEREK CHAN: With that in mind, I was about to look at 7 some examples of how the Transport Department has dealt 8 with enhancements to bus safety throughout the years, 9 before making some observations on that. 10 Perhaps I can start that process after the lunch 11 break, if that's convenient to the committee. 12 CHAIRMAN: Perhaps we can just ask one or two more questions 13 at this stage, so the commissioner can reply. 14 Who in the Transport Department has responsibility 15 for driving issues of bus safety? Which person or 16 persons? 17 MS MABLE CHAN: Within the department, it will be a joint 18 effort of our Bus and Railway Branch and also the Road 19 Safety and Standards Division. The assistant 20 commissioner for Bus and Railway Branch is Mr Patrick 21 Wong, and in the Road Safety and Standards Division, 22 it's the chief engineer Mr Tony Yau who is also present 23 today, Mr Tony Yau. 24 CHAIRMAN: Yes. 25 MS MABLE CHAN: So both parties, both units, are responsible</p>	<p>1 Chairman. Actually we learned a lot throughout this IRC 2 process. Over the past year or so, the Vehicle Safety 3 and Standards Division, headed by Mr YK Chan, has been 4 overseeing the new technology advancements in vehicle 5 standards and maintenance. While there is no dedicated 6 team or extra manpower resources, their division is 7 driving for new technological advancements, and under 8 the working group we have a technical group chaired by 9 Mr YK Chan. That is the main forum for us to drive and 10 push the various in-vehicle safety devices and automated 11 real-time systems and features, including black box, 12 GPS. 13 May I also add that we see the need and the 14 importance of having a dedicated team, as in the case of 15 London and in other jurisdictions, of enhancing 16 transport technology research capability within the 17 department. We are actually securing and bidding 18 necessary manpower resources involving engineers, 19 transport officers and electrical and mechanical 20 engineers, to set up a dedicated transport technology 21 team within the department. 22 We have not been able to say a bit more for the 23 committee's reference because this one is actually 24 undergoing an internal resource bidding process, but 25 I would just like to give an idea for the committee's</p>

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<p>1 reference.</p> <p>2 Thank you, Chairman.</p> <p>3 CHAIRMAN: The technical group that Mr YK Chan heads in the</p> <p>4 working group, that is something that followed,</p> <p>5 obviously, the setting up of the working group, and that</p> <p>6 was 13 March 2018. The technical group presumably</p> <p>7 happened second, later.</p> <p>8 MS MABLE CHAN: That is correct, Chairman. The idea of</p> <p>9 having a working group actually arose from our</p> <p>10 attendance at the Tai Po District Council and the</p> <p>11 Legislative Council Panel on Transport immediately</p> <p>12 following the tragic accident in February. On those two</p> <p>13 occasions --</p> <p>14 CHAIRMAN: I think you are referring to 12 February and</p> <p>15 15 February respectively.</p> <p>16 MS MABLE CHAN: Yes, of February, Chairman, you are correct.</p> <p>17 There are a lot of different ideas and suggestions</p> <p>18 flagged up on those two occasions. Coming out from</p> <p>19 those two meetings, my team and I considered that we</p> <p>20 have to take a proactive approach and a more systematic</p> <p>21 approach to take heed of all these suggestions and ideas</p> <p>22 and advice, and we have to try and push for ourselves,</p> <p>23 and we subsequently informed the Transport Advisory</p> <p>24 Committee, on 27 February, about our suggestion of</p> <p>25 forming a working group, with the proposed terms of</p>	<p>1 working group meetings, come up with a number of</p> <p>2 possible ideas and initiatives, to set the agenda and go</p> <p>3 through it one by one with the bus operators and the</p> <p>4 manufacturers.</p> <p>5 So I think, in that sense, we are taking a more</p> <p>6 systematic and forward-looking approach to set the</p> <p>7 agenda for ourselves, rather than waiting for the bus</p> <p>8 operators or the bus manufacturers to tell them what</p> <p>9 they can or will do.</p> <p>10 Thank you, Chairman.</p> <p>11 CHAIRMAN: We've gone over time. We will take the lunch</p> <p>12 break now. We thank you for your attendance this</p> <p>13 morning. We hope you have a good afternoon. We look</p> <p>14 forward to seeing you on Saturday.</p> <p>15 MS MABLE CHAN: Thank you, Chairman, sure.</p> <p>16 CHAIRMAN: Thank you for your assistance.</p> <p>17 MS MABLE CHAN: Thank you.</p> <p>18 CHAIRMAN: We will adjourn now until 2.30.</p> <p>19 (1.05 pm)</p> <p>20 (The luncheon adjournment)</p> <p>21 (2.30 pm)</p> <p>22 CHAIRMAN: Good afternoon.</p> <p>23 MR DEREK CHAN: Mr Chairman, before I resume my questioning,</p> <p>24 can I just report back on a reference that Mr Chairman</p> <p>25 asked for, in terms of the Singapore penalty provision.</p>
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<p>1 reference to cover three areas.</p> <p>2 First is on on-board vehicle-safety devices and</p> <p>3 equipment technology. The second aspect is on the</p> <p>4 feasibility and effectiveness of the installation of</p> <p>5 seat belts. The third is on enhancing the training for</p> <p>6 bus captains.</p> <p>7 So we formalised this idea in late February, after</p> <p>8 the tragic accident, and this did lead us to formally</p> <p>9 establish the working group in mid-March.</p> <p>10 Thank you, Chairman.</p> <p>11 CHAIRMAN: You said earlier that you had decided, following</p> <p>12 the meeting with the district council in Tai Po of</p> <p>13 12 February, and the 15 February LegCo meeting and</p> <p>14 motions that you were going to be proactive, but in fact</p> <p>15 you are being reactive to events that have already</p> <p>16 happened, are you not?</p> <p>17 MS MABLE CHAN: Chairman, if I may, I think that there is</p> <p>18 a lot more proactiveness that we can adopt. Of course,</p> <p>19 this idea of forming a working group is reacting to the</p> <p>20 tragic bus accident. I think we have taken</p> <p>21 a forward-looking and proactive approach by not just</p> <p>22 waiting for the various advisory committees and parties</p> <p>23 to make request and for us to respond. Rather, we</p> <p>24 should set our agenda by forming that working group, and</p> <p>25 it was on that basis that we have, at the start of the</p>	<p>1 CHAIRMAN: Yes.</p> <p>2 MR DEREK CHAN: One reference to that is expert bundle</p> <p>3 page 229, at paragraphs 3.19 and 3.20.</p> <p>4 CHAIRMAN: Can we have that on the screen.</p> <p>5 What is the document that we are looking at?</p> <p>6 MR DEREK CHAN: The document itself is an appendix to</p> <p>7 a Transport Department document. The relevant paragraph</p> <p>8 starts at paragraph 3, which looks at the Singapore</p> <p>9 situation.</p> <p>10 CHAIRMAN: I'm sorry, tell me again, if you would, what the</p> <p>11 document is. Is there not an original document from</p> <p>12 Singapore which spells out this?</p> <p>13 MR DEREK CHAN: Yes. Just to answer the chairman's question</p> <p>14 earlier and then going to the source document itself,</p> <p>15 the document that I took Mr Chairman to is annexed to</p> <p>16 a letter to the Singapore authority --</p> <p>17 CHAIRMAN: Ah, yes, thank you.</p> <p>18 MR DEREK CHAN: -- asking them, "Look, this is the materials</p> <p>19 that the committee has received" and asking for the</p> <p>20 assistance of the Singapore Land Transport Authority.</p> <p>21 CHAIRMAN: Yes.</p> <p>22 MR DEREK CHAN: The document that I took Mr Chairman to is</p> <p>23 an annexure to the letter sent to the Singapore</p> <p>24 authority, to seek their assistance.</p> <p>25 The letter itself is at page 198 of the same bundle.</p>

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<p>1 CHAIRMAN: Thank you. We don't need to be delayed by this.</p> <p>2 MR DEREK CHAN: In any event --</p> <p>3 CHAIRMAN: Is there no reference to a penalty being enforced</p> <p>4 or available in relation to the accident rate per</p> <p>5 million kilometres?</p> <p>6 MR DEREK CHAN: Perhaps I will come back to you on that,</p> <p>7 Mr Chairman, with a more specific reference, instead of</p> <p>8 just handing up references that have provided to me in</p> <p>9 the moment.</p> <p>10 CHAIRMAN: Yes.</p> <p>11 MR DEREK CHAN: Perhaps I can just review the references</p> <p>12 first myself.</p> <p>13 CHAIRMAN: Yes. Very well. Thank you.</p> <p>14 MR DEREK CHAN: So, Mr Chan, I understand you will be taking</p> <p>15 over the main answering of the questions.</p> <p>16 MR YK CHAN: Yes.</p> <p>17 MR DEREK CHAN: Before the lunch break, questions were</p> <p>18 directed at Ms Chan in relation to the approach taken by</p> <p>19 the Transport Department on bus safety, and Ms Chan was</p> <p>20 questioned on the general question about who was</p> <p>21 responsible for taking this forward.</p> <p>22 My next series of questions will be in relation to</p> <p>23 a number of historical events, and I'll be going through</p> <p>24 them quite quickly, just to see the Transport</p> <p>25 Department's handling of issues about bus safety</p>	<p>1 of course before that, I believe there should be</p> <p>2 a series of discussions with the bus company and then</p> <p>3 perhaps there's a an exchange of documents, but at the</p> <p>4 moment we are checking.</p> <p>5 CHAIRMAN: Thank you. It's a very simple question: what</p> <p>6 document do we look for to find it; yes?</p> <p>7 MR YK CHAN: Yes. We can provide.</p> <p>8 MR DEREK CHAN: A second safety measure arising from that</p> <p>9 same accident was the requirement for the franchised</p> <p>10 buses to have black boxes. We have been through that</p> <p>11 requirement this morning. It's in a letter dated</p> <p>12 October 2003. But do you recall that black-box</p> <p>13 requirement also arising out of the Tuen Mun accident?</p> <p>14 MR YK CHAN: Yes.</p> <p>15 CHAIRMAN: Would you repeat the reference for the</p> <p>16 promulgation of that document?</p> <p>17 MR DEREK CHAN: TD-5, page 1597, being the letter; 1598</p> <p>18 being the requirement itself.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MR DEREK CHAN: Then, in July 2006 and December 2007, there</p> <p>21 were two incidents of franchised bus collisions that</p> <p>22 resulted in passengers being thrown out of franchised</p> <p>23 buses.</p> <p>24 The bus safety measures that were implemented as</p> <p>25 a result of those incidents were, firstly, a horizontal</p>
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<p>1 historically. I'm just going to go through them. If</p> <p>2 you recollect them, that's fine. If you want</p> <p>3 a reference to the raw documentation, please let me</p> <p>4 know.</p> <p>5 Firstly, in July 2003, a bus fell down a slope from</p> <p>6 Tuen Mun Road, resulting in 21 fatalities and a number</p> <p>7 of people injured. Arising from that Tuen Mun incident,</p> <p>8 there is now put in place hazard speed limiters that</p> <p>9 limit the maximum speed of the bus. So these speed</p> <p>10 limiters were required to be installed after the</p> <p>11 Tuen Mun accident, and this has now become a standard</p> <p>12 feature for franchised buses. Is that correct?</p> <p>13 MR YK CHAN: That's right.</p> <p>14 CHAIRMAN: Where is the requirement first time for speed</p> <p>15 limiters?</p> <p>16 MR YK CHAN: After the incident, we have looked into the</p> <p>17 possible ways of putting this right and then we discuss</p> <p>18 with the operators, and then after that we impose the</p> <p>19 new requirement to incorporate in buses the speed</p> <p>20 limiter, limiting those buses to 70kph.</p> <p>21 CHAIRMAN: Yes, that's why it happened. Where do we find</p> <p>22 it? Was it a letter, a requirement in the franchise;</p> <p>23 where is it?</p> <p>24 MR YK CHAN: We should have incorporated in the</p> <p>25 specification, the minimum spec of the buses, but</p>	<p>1 guardrail being required to be installed on the upper</p> <p>2 deck windscreen; and, secondly, safety belts were</p> <p>3 required to be installed on the four upper deck front</p> <p>4 seats.</p> <p>5 Firstly, do you recollect those two safety measures</p> <p>6 being implemented --</p> <p>7 MR YK CHAN: Yes.</p> <p>8 MR DEREK CHAN: -- as a result of those incidents?</p> <p>9 MR YK CHAN: Yes.</p> <p>10 MR DEREK CHAN: Both these features are again now standard</p> <p>11 features for franchised buses?</p> <p>12 MR YK CHAN: That's correct.</p> <p>13 CHAIRMAN: Do you have any reference to where this was</p> <p>14 promulgated? If not, come back to it.</p> <p>15 MR DEREK CHAN: It's all in the list of franchised bus</p> <p>16 requirements which is annexed to the franchise</p> <p>17 agreement. I will come back to Mr Chairman on the</p> <p>18 reference to that list.</p> <p>19 CHAIRMAN: When was this first required? Again, if you</p> <p>20 don't have detail, come back later.</p> <p>21 MR YK CHAN: We will come back on the exact date.</p> <p>22 MR DEREK CHAN: Again, in 2016, there were three bus</p> <p>23 accidents which caused the breaking of glass on the exit</p> <p>24 doors of buses, which caused injury to passengers.</p> <p>25 Arising from those incidents, an additional guard bar</p>

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<p>1 was installed on the exit door. Do you recall that 2 safety feature being implemented as a result of those 3 incidents? 4 MR YK CHAN: Yes. 5 MR DEREK CHAN: Again, this has become a standard feature 6 for all franchised buses? 7 MR YK CHAN: That's correct. 8 CHAIRMAN: Again, when was that required, first of all? 9 MR YK CHAN: That's required after the accident, but I can 10 tell that all the -- after that, the buses have been 11 retrofitted with such a guard bar, and they all 12 completed in June 2017. 13 CHAIRMAN: Thank you. 14 MR DEREK CHAN: On 22 September 2017, there was a fatal bus 15 accident which occurred in Sham Shui Po that resulted in 16 three fatalities and a number of passengers injured. 17 As a result of that accident, it led the Transport 18 Department to conduct a review of the Guidelines on Bus 19 Captain Working Hours, Rest Times, and Meal Breaks, 20 which resulted in a new improved set of guidelines in 21 February. Is that a correct summary? 22 MR YK CHAN: Yes. 23 MR DEREK CHAN: Then, in March 2018, following the Tai Po 24 accident in February 2018, a Working Group on 25 Enhancement of Safety of Franchised Buses was set up.</p>	<p>1 proactively follow up the cases. 2 Hence, I would say that those accidents are 3 unfortunate events that we don't want to see, but the 4 Transport Department actually is proactively 5 continuously monitoring what's happening to the 6 operation of buses, and if we ever discover any 7 incidents that have a major cause or to a specific type 8 of accident, then we will sort of discuss with bus 9 operators to provide and implement the necessary 10 measures and equipment to ensure that those accidents 11 won't happen again. This is the way I believe is 12 a responsible way to ensure the safe operation of buses 13 in Hong Kong. 14 CHAIRMAN: Can you point to some safety feature that was 15 imposed, a requirement, without there having been 16 an accident before that might have been connected to the 17 safety feature? 18 MR YK CHAN: Apart from that, apart from monitoring the 19 operation of bus services in Hong Kong, we also take 20 note of what's happening in other parts of the world. 21 One example I can quote is actually recently, some years 22 back, we actually discovered or take note of there's 23 some fire happened, occurred on buses -- 24 CHAIRMAN: Fire in the engine compartment? Is that what you 25 have in mind?</p>
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<p>1 I'm going to go to the chronology of the setting up of 2 this working group in a moment, but can I first ask you 3 this question. 4 We have just been through what appear to be a number 5 of fairly useful safety features that have been 6 implemented throughout the years as a result of bus 7 accidents. Is there any reason why those safety 8 measures were put in place only after the accidents had 9 occurred and were not proactively put in place before 10 the accidents occurred? Is there a reason for that? 11 MR YK CHAN: What I can say is when we -- we require the bus 12 companies to provide a proper and efficient service, and 13 provision of properly equipped buses to serve passengers 14 is one of them, and all along we have been monitoring 15 the performance of bus companies, of course including 16 the equipment, the vehicles they use. 17 Now, of course, normally, when the services are 18 being provided without any major incidents, then 19 of course we will presume that they are actually 20 operating properly, and actually this is a system 21 instilled in our organisation that we take note or 22 actually monitor continuously the operation of these 23 buses, and if ever, in any circumstances, we discover 24 there is any major fault of these buses or the way they 25 provide the service, then the Transport Department would</p>	<p>1 MR YK CHAN: Yes. When it's in operation, the fire actually 2 broke out in a bus, but of course those cases maybe come 3 from engine or other purpose, or other situations. 4 Arising from that, we actually -- our Vehicle Safety 5 and Standards Division to carry out a research on what 6 can we do, what can be done, to sort, of prevent that, 7 and arising from that we require the bus companies to 8 put in place the fire suppression system on all these 9 buses and it has now become a standard feature in our 10 bus specification. 11 CHAIRMAN: So this was again in response to there being some 12 fires and then you did some research and then you put in 13 place a requirement for fire suppression. 14 MR YK CHAN: You can say that. 15 CHAIRMAN: Do I understand you correctly? 16 MR YK CHAN: Yes. 17 CHAIRMAN: What I was asking you for is an example where you 18 imposed a safety requirement without it being connected 19 to an event that had occurred earlier. If you want to 20 think about it and come back later, do so. 21 MR YK CHAN: I cannot think of any major sort of standard 22 features or improvement with the buses, but I believe, 23 actually, our Vehicle Safety and Standards Division does 24 discuss, we have regular meetings with bus companies on 25 vehicle repairs and maintenance aspects regularly.</p>

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<p>1 There may be small things that happen. We can find 2 out, for example, there are new features and faults 3 commonly found in buses during our inspection. Those 4 things that we notice, if we take note of that, then we 5 can discuss with bus companies and require them to take 6 particular note and pay attention for remedial action. 7 I think one of the examples is sometimes when we do 8 the inspection and discover some leakage of oil from 9 a particular part, or whether there's any rusting on the 10 chassis, and for those things, probably it won't cause 11 accidents as such, but this is a small thing that can 12 accumulate to a certain stage that may cause some sort 13 of vehicle breakdowns and inconvenience to bus 14 passengers. 15 Those small things, although it looks they are not 16 very significant, but we do discuss with bus companies, 17 and one thing, if we discover such minor faults in the 18 buses, we not only discuss with that particular company, 19 we also put this across to other bus companies to take 20 note, because they do operate similar types of vehicle. 21 I think this is the way that we continuously 22 monitor -- we do an inspection, monitor, and find out 23 what's happening to those buses and if any fault we 24 require the bus company to take action. 25 For major incidents like the ones you mentioned,</p>	<p>1 Chan, Commissioner for Transport, was present in the 2 meeting. 3 As you can see from page 784, the topic of 4 discussion was the accident on Tai Po Road. I won't go 5 through the minutes in detail. Suffice for me to 6 summarise it in this way: a lot of views were expressed 7 by different members of the district council, which 8 Ms Chan, the Commissioner for Transport, explained this 9 morning she took into account. So that's the first 10 event. 11 CHAIRMAN: I think it's worth going to paragraph 8, where 12 Ms Chan is speaking. One sees that perhaps one of the 13 first steps that was being taken: 14 "The Transport Department had asked KMB to submit 15 a report for the ... accident as soon as possible and 16 KMB had also promised that they would submit [a report] 17 within one month." 18 Then there is an indication that it had been 19 announced that this committee would be set up. There is 20 an indication in the last three or four lines that the 21 commissioner was aware of concerns expressed by the 22 Tai Po District Council about road safety in the Tai Po 23 district and the relevant road section in the past, and 24 this would be followed up closely. 25 There is another reference, as I recall, from the</p>
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<p>1 of course, after our investigation, if we can identify 2 any sort of ways, technically feasible ways, to address 3 that, then we sort of follow through. 4 CHAIRMAN: Thank you. 5 MR DEREK CHAN: I will then next go on to look at the 6 setting up and the process of the Working Group on 7 Enhancement of Bus Safety, and I will deal with the 8 events in a chronological manner. 9 If I may first start off with the minutes of the 10 LegCo Panel On Transport, please, the LegCo Panel on 11 Transport meeting that took place on 15 February -- 12 CHAIRMAN: If you are going to deal with this 13 chronologically, doesn't the district council meeting on 14 12 February come first? 15 MR DEREK CHAN: Yes, it does, Mr Chairman. 16 CHAIRMAN: That I think is a meeting that the commissioner 17 attended. 18 MR DEREK CHAN: Yes. The document for that is in the DC-2 19 bundle, page 782. 20 CHAIRMAN: Yes. 21 MR DEREK CHAN: As you can see from the first page of the 22 translation of the document, at page 782, this meeting 23 of the Tai Po District Council took place on 12 February 24 2018. 25 Over the page, at 783, you can see that Ms Mable</p>	<p>1 commissioner later on. Are you able to take us to that, 2 Mr Chan? Yes, paragraph 34. 3 MR DEREK CHAN: Yes, at page 798 of the bundle, Mr Chairman. 4 So, again, perhaps just summarising the four points 5 that the Commissioner for Transport raised in this 6 meeting, the first one being driving tests for bus 7 captains and the vehicle examination issue. The second 8 point is a review of the safety and speed limits; 9 thirdly, locations of bus stations; and fourthly, that 10 KMB will set up an investigation committee. 11 So these were the matters addressed by Ms Chan at 12 this meeting. 13 CHAIRMAN: I think it is worth noting what is in (ii): 14 "The Transport Department will review the safety and 15 speed limits of the roads in Hong Kong from time to 16 time." 17 That's a general statement, no doubt. 18 "Although the site of the current accident is not 19 a traffic black spot, the department will consider 20 appropriate accident-improvement measures in 21 consideration of the number and nature of past 22 accidents, road design, site environment, and the impact 23 on the drivers." 24 That of course is what happened. 25 Then, as I think you said, the final reference is,</p>

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<p>1 in (iv), in anticipation of the KMB accident report. 2 I think that gives a context to the next date which, 3 as you were saying earlier, is 15 February, and it's the 4 LegCo meeting. 5 MR DEREK CHAN: Yes. That document is at bundle SEC-3, 6 page 1342. 7 Mr Chan, do you have the document in front of you? 8 MR YK CHAN: I am looking at the screen. 9 MR DEREK CHAN: At page 1342, you can see this is a set of 10 minutes of the special meeting held by the Panel on 11 Transport on 15 February 2018, and over the page, at 12 page 1343, towards the bottom of the page, you can see 13 Ms Mable Chan attended as the Commissioner for 14 Transport. 15 Again, I won't take you through the discussions, but 16 can I go straight to the motion that was passed as 17 a result of this meeting, at page 1360. The motions 18 record that the panel urges the administration to, 19 firstly: 20 "1. request franchised bus companies to review the 21 staffing establishment of bus captains, provide 22 reasonable working hours, rest time, meal breaks and 23 remuneration packages for bus captains, and provide on 24 a compulsory basis regular training on a safe driving 25 attitude for full-time and part-time bus captains to</p>	<p>1 Now, next in the chronology is the submission of 2 KMB's investigation report on the Tai Po accident to the 3 Transport Department on 23 March 2018. 4 Mr Chairman, the reference to that is KMB-1, 5 page 98. 6 I won't go to this document yet. I just note that 7 it was handed in on this date and I will come back to it 8 a bit later. 9 CHAIRMAN: Very well. 10 MR DEREK CHAN: Now, what happened after the submission of 11 the KMB investigation report is the first meeting of the 12 working group, which was held on 13 March 2018. 13 Before I get to the minutes, I want to first go to 14 the agenda, which is at CTB-3, page 588. 15 I simply ask you to note from this agenda that the 16 main issue on the agenda appears to be "Discussion on 17 the scope of works and membership of the working group". 18 There is no date on the agenda. Do you recall whether 19 this agenda was issued before KMB submitted its 20 investigation report or afterwards? 21 MR YK CHAN: The meeting -- you mean the working group on 22 13 March? 23 MR DEREK CHAN: No, the meeting was on the 13th. Presumably 24 the agenda would have been sent out before the meeting. 25 The KMB investigation report was given to the Transport</p>
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<p>1 ensure that bus captains are equipped with the qualities 2 of a good driver". 3 So the first motion concerns the guidelines, the 4 working hour guidelines, and training. The second 5 motion states as follows: 6 "2. apply anti-skid surface dressing, erect 7 additional declaration warning signs and install speed 8 enforcement cameras on the subject road section 9 immediately, and review the 'high-risk' road sections 10 across the territory and expeditiously enhance the 11 relevant safety measures to safeguard the safety of road 12 users ... 13 3. explore ways to further strengthen the safety 14 installations on buses, including enhancing the 15 protection for high-risk seats, retrofitting seat belts 16 on more seats and making it compulsory in phases for 17 passengers to wear seat belts, installing an external 18 camera at the bus captain's seat, modifying the speed 19 limiters on buses to ensure safe driving on high-risk 20 road sections, and installing an auxiliary system for 21 automatic emergency braking, so as to reduce the risk of 22 injuries among passengers in an accident." 23 So the third motion concerns the installation of 24 in-vehicle safety devices or measures, as well as the 25 issue of seat belts.</p>	<p>1 Department on the 12th, so would this agenda have been 2 set before the 12th? 3 MR YK CHAN: I think we have to come back to check on the 4 exact date -- 5 CHAIRMAN: Presumably -- forgive me for interrupting -- it 6 was sent out under cover of a letter. Would that not be 7 what one would expect? 8 MS AMY LEE: It is an email. 9 MR YK CHAN: We cannot confirm whether it's a letter or by 10 means of an email. 11 CHAIRMAN: But either way, there is a record of it? 12 MR YK CHAN: Yes, that's right. 13 CHAIRMAN: That's what you are suggesting, is it? You can 14 check and provide it? 15 MR YK CHAN: Now, if I -- 16 CHAIRMAN: Before you move on -- when were the franchised 17 bus operators first contacted at all about participating 18 in a working group? When did that happen? 19 MR YK CHAN: I cannot tell the exact date but presumably the 20 bus company would be advised in advance that there would 21 be a working group. 22 CHAIRMAN: Presumably, they were asked, "Would you be 23 prepared to take part in a working group?" 24 MR YK CHAN: Yes. 25 CHAIRMAN: You can't recall when that was?</p>

Page 117	<p>1 MR YK CHAN: I can't recall the exact date.</p> <p>2 CHAIRMAN: Do you recall who did it? Did you do it?</p> <p>3 MR YK CHAN: Not me personally, no.</p> <p>4 CHAIRMAN: Not you. Did any representatives of the</p> <p>5 Transport Department now present make that contact?</p> <p>6 MR YK CHAN: Probably not one of our representatives here</p> <p>7 today.</p> <p>8 CHAIRMAN: Very well.</p> <p>9 MR YK CHAN: Somebody in the office.</p> <p>10 CHAIRMAN: Yes, very well, in which case can you try to help</p> <p>11 us with some emails, correspondence, which helps us</p> <p>12 understand the time frame in which this was set up?</p> <p>13 MR YK CHAN: Yes.</p> <p>14 CHAIRMAN: Thank you, Mr Chan.</p> <p>15 MR DEREK CHAN: Can I then move on to the actual minutes of</p> <p>16 the first meeting, and this is KMB-12, page 4869-1.</p> <p>17 Mr Chan, can I just confirm with you that you have</p> <p>18 the right document in front of you. It should be</p> <p>19 KMB-12, page 4869-1 on the bottom right-hand corner.</p> <p>20 That should be the first page of the notes of the</p> <p>21 first meeting of the working group.</p> <p>22 MR YK CHAN: Yes.</p> <p>23 MR DEREK CHAN: Can I confirm that you have the notes of the</p> <p>24 first meeting of the working group held on 13 March 2018</p> <p>25 in front of you?</p>	Page 119	<p>1 a specific target or specific purpose for investigation,</p> <p>2 that's why we set up this working group, and it involved</p> <p>3 all the franchised bus companies and the relevant</p> <p>4 sections or divisions of the Transport Department.</p> <p>5 CHAIRMAN: Who attended these other regular meetings?</p> <p>6 MR YK CHAN: Well, we have different sort of regular</p> <p>7 meetings in the Transport Department and the bus</p> <p>8 operators.</p> <p>9 CHAIRMAN: I'm sure you do. Was there any -- let's call it</p> <p>10 a forum -- was there any forum at which the very senior</p> <p>11 people in the bus operators attended together?</p> <p>12 MR YK CHAN: Yes. We have regular forums with senior</p> <p>13 management of the bus companies. TD, the Transport</p> <p>14 Department's representative, may typically be the</p> <p>15 assistant commissioner of the Bus and Railway Division,</p> <p>16 and this meeting -- and the counterparts from the bus</p> <p>17 companies, they normally would be the operational</p> <p>18 directors.</p> <p>19 CHAIRMAN: Not the managing directors?</p> <p>20 MR YK CHAN: Not the managing director.</p> <p>21 CHAIRMAN: Because that's the signal difference, is it not,</p> <p>22 between the working group and whatever else might have</p> <p>23 happened before? You've got the top of the companies</p> <p>24 there?</p> <p>25 MR YK CHAN: If there are very important and specific items</p>
Page 118	<p>1 MR YK CHAN: Yes.</p> <p>2 MR DEREK CHAN: So you can see the attendees at that meeting</p> <p>3 on the first page.</p> <p>4 Can I take you to the second page, 4869-2. In the</p> <p>5 opening remarks by the convenor, who is Ms Rachel Kwan,</p> <p>6 Assistant Commissioner for Transport, can I pick it up</p> <p>7 six lines down from the top, where the convenor says</p> <p>8 that:</p> <p>9 "... the purpose of the WG meeting was to review and</p> <p>10 study measures with a view to further enhancing bus</p> <p>11 safety."</p> <p>12 My first question is this. Is there any reason why</p> <p>13 a working group of this type, which gets together</p> <p>14 everybody -- well, not everybody -- gets together the</p> <p>15 franchised bus operators and the Transport Department</p> <p>16 for the purposes of studying measures to enhance bus</p> <p>17 safety -- is there any reason why such a working group</p> <p>18 had not been set up prior to the Tai Po accident?</p> <p>19 MR YK CHAN: I would say that this is a working group that</p> <p>20 was specifically set up in the wake of this particular</p> <p>21 incident. In the normal time, the other time, when the</p> <p>22 Transport Department do have other regular meetings set</p> <p>23 up to follow up with all aspects of the operations of</p> <p>24 the bus companies.</p> <p>25 So, for this particular group, I think we have</p>	Page 120	<p>1 that have to be discussed and which have to be decided</p> <p>2 by the many top management level, then probably there</p> <p>3 will be meetings.</p> <p>4 CHAIRMAN: Can you provide us with the minutes of such</p> <p>5 a meeting, where the managing directors were present of</p> <p>6 the various franchised bus operators where safety was</p> <p>7 being discussed?</p> <p>8 MR PATRICK WONG: Yes, sure.</p> <p>9 Mr Chairman, may I supplement what Mr Chan said?</p> <p>10 Basically, we had different regular meetings on --</p> <p>11 sometimes they're regular and sometimes ad hoc basis,</p> <p>12 and as you can see from the working group members, what</p> <p>13 Mr Chan mentioned about the manager or the operation</p> <p>14 directors, for example, KMB's Mr Godwin So is also</p> <p>15 attending another regular meetings, we are partners on</p> <p>16 various issues and Mr William Chung of Citybus and New</p> <p>17 World First Bus as well.</p> <p>18 So, basically, we are partners and we had different</p> <p>19 meetings on various issues as mentioned by Mr Chan.</p> <p>20 Also on services, maybe included some regular meeting on</p> <p>21 safety and other --</p> <p>22 CHAIRMAN: It's a very specific question. It's safety. And</p> <p>23 it's very specific. Managing directors -- Roger Lee,</p> <p>24 when was he last present at such a meeting together with</p> <p>25 Mr Cheng the managing director of Citybus, together with</p>

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<p>1 the senior people at the Transport Department? That's</p> <p>2 the question.</p> <p>3 Were there any such meetings: safety, top of the</p> <p>4 companies, top of the Transport Department?</p> <p>5 MR YK CHAN: Mr Chairman, the regular meeting with the Bus</p> <p>6 and Railway Branch, meeting with their counterparts at</p> <p>7 the bus operations, the representative from those</p> <p>8 companies, like Godwin So and William Chung, et cetera,</p> <p>9 they are really the people that have been authorised by</p> <p>10 the company to make top-level decisions on all matters</p> <p>11 on operations. That is the regular forum that we have,</p> <p>12 to discuss with them all aspects of the bus operation,</p> <p>13 including safety. And the decision made at those</p> <p>14 meetings or items discussed at those meetings, they</p> <p>15 actually will be honoured if agreed by these companies.</p> <p>16 So probably there's not specific meetings that we have</p> <p>17 to actually meet the managing director.</p> <p>18 CHAIRMAN: So the answer is "no"? The short answer to the</p> <p>19 question is "no"? The explanation is what you've told</p> <p>20 us first?</p> <p>21 MR YK CHAN: Normally, no.</p> <p>22 CHAIRMAN: Thank you.</p> <p>23 MR DEREK CHAN: Now, at paragraph 2 of the minutes, there is</p> <p>24 a note that:</p> <p>25 "The members had no objection to the membership and</p>	<p>1 debate or the motions?</p> <p>2 MR DEREK CHAN: Not that specific unit. It was more</p> <p>3 a general reference.</p> <p>4 CHAIRMAN: Thank you. But were the other items all</p> <p>5 mentioned or not?</p> <p>6 MR DEREK CHAN: The speed limiter cap is certainly</p> <p>7 mentioned. The other specific matters were not</p> <p>8 addressed --</p> <p>9 CHAIRMAN: It's a matter that can be checked simply by</p> <p>10 reference to the minutes of the LegCo meeting and the</p> <p>11 motions. So perhaps you can come back to us on that.</p> <p>12 MR DEREK CHAN: Certainly, Mr Chairman.</p> <p>13 My question for you, Mr Chan, is whether the</p> <p>14 definition of this scope of works for the working group</p> <p>15 was driven very much by the motion passed by the LegCo</p> <p>16 Panel on Transport; is that a fair observation?</p> <p>17 MR YK CHAN: Well, I disagree to that. As you know, the</p> <p>18 scope of work as given in this minute, they go into</p> <p>19 quite detail, and also, as you can take note that in</p> <p>20 particular at item (3), there are a number of subitems</p> <p>21 included, specific devices that we are going to look at.</p> <p>22 Actually, before this working group, we have done</p> <p>23 a lot of preparatory work, to look into what sort of</p> <p>24 thing we can do to improve or to help the bus captains</p> <p>25 on buses and what sort of device that can possibly be</p>
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<p>1 the scope of work of the working group."</p> <p>2 And there's a reference to an annex. The annex we</p> <p>3 can find at page 4869-9. The first item of the scope of</p> <p>4 work for this working group is to review the training</p> <p>5 arrangements. This is a matter that was covered by the</p> <p>6 motion passed by the LegCo Panel on Transport on</p> <p>7 15 February 2018 that we just looked at a moment ago.</p> <p>8 The second item for this working group is:</p> <p>9 "To examine the technical feasibility, cost</p> <p>10 effectiveness, applicability and any other issues</p> <p>11 relating to the installation of seat belts on all seats</p> <p>12 other than exposed seats."</p> <p>13 Now, again, the issue of seat belts was something</p> <p>14 mentioned in the motion passed by the LegCo Panel on</p> <p>15 Transport that we looked at moments ago.</p> <p>16 Thirdly, the scope of work for the working group</p> <p>17 included the exploration of:</p> <p>18 "... the technical feasibility, cost effectiveness,</p> <p>19 applicability and any other issues relating to the</p> <p>20 installation of on-vehicle safety devices ..."</p> <p>21 Again, that is also something mentioned by the</p> <p>22 motion of LegCo Panel on Transport.</p> <p>23 My question is --</p> <p>24 CHAIRMAN: Before you move on, item (a), the speed display</p> <p>25 unit for passengers, was that mentioned in either the</p>	<p>1 useful for installation.</p> <p>2 Of course, those are the research we have done and</p> <p>3 then incorporate in the scope of work for further</p> <p>4 investigation and discussion with the operators.</p> <p>5 Some of the ideas may have been raised or suggested</p> <p>6 by the public or by LegCo members, or by others. But,</p> <p>7 in this world of putting safety equipment on buses,</p> <p>8 there is nothing -- there really are a number of things</p> <p>9 that you can do. If you are talking about seat belts,</p> <p>10 of course everybody will readily recognise that seat</p> <p>11 belts might help and this is a legitimate item to be</p> <p>12 investigated.</p> <p>13 Whether training for bus captains, of course this is</p> <p>14 an accident that might arise from inadequate training of</p> <p>15 bus captains, and thus legitimately an item which we</p> <p>16 should investigate in the working group report.</p> <p>17 All in all, before this working group report, we</p> <p>18 actually did some research and prepared for the items to</p> <p>19 be discussed. I think this is a responsible way to do</p> <p>20 it. Otherwise, if we just go to a meeting that allow</p> <p>21 the operators to make wild suggestions or even not</p> <p>22 responding to specific measures -- our view was,</p> <p>23 actually, in conducting this working group, we have done</p> <p>24 our research first and then prepared the items to be</p> <p>25 discussed, so that we have a more focused discussion</p>

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<p>1 during this working group meeting, in the hope that we 2 can achieve something meaningful and useful out of this 3 working group. 4 CHAIRMAN: When was this research done about safety devices? 5 MR YK CHAN: We actually did a large part of our research in 6 a compact time, about February. 7 CHAIRMAN: So it was done after the Tai Po accident? 8 MR YK CHAN: You may say so. 9 CHAIRMAN: Well, do you say so? 10 MR YK CHAN: Yes. 11 CHAIRMAN: Thank you. 12 MR DEREK CHAN: Can I compare the list of safety devices 13 here with the list of safety devices mentioned in the 14 KMB investigation report, which was available the day 15 prior to this meeting. 16 For that, can I ask you to keep 4869-9 open, and at 17 the same time go to KMB-1, page 114. KMB-1, page 114, 18 is part 5 of the KMB investigation report that was 19 submitted by KMB to the Transport Department on 12 March 20 2018. 21 Under this section, KMB was considering "Other 22 measures to enhance bus safety". 23 In terms of safety devices, you can see, at 24 paragraph 41, KMB mentioned the electronic stability 25 programme, or also called electronic stability control.</p>	<p>1 My general question is this: why do we see 2 a substantial overlap between the devices that KMB said 3 they are considering and the devices that are to be 4 considered in the scope of works for the working group? 5 Had there been prior coordination or discussion between 6 the Transport Department and KMB on safety devices that 7 can be considered and what should be put on the agenda? 8 MR YK CHAN: Okay. Let me try to answer this question. 9 Previously, I mentioned that before the working 10 group meeting, the Transport Department has been 11 carrying out some research on the sort of equipment that 12 may help to improve equipment we fit on vehicles, to 13 improve or to help the drivers, and also improve the 14 safety standards, safety of vehicles. 15 In the course of doing that research, apart from our 16 research we actually talked to the manufacturers. This 17 is a logical way to do it because when you try to find 18 out -- 19 CHAIRMAN: Before you go on with your long answer, can you 20 answer the specific question: had there been prior 21 discussions between the Transport Department and KMB 22 about what should be on the agenda; "yes" or "no", or 23 "I don't know"? 24 MR YK CHAN: No. 25 CHAIRMAN: No? Now, by all means, carry on.</p>
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<p>1 MR YK CHAN: Yes. 2 MR DEREK CHAN: If you compare that against the scope of 3 works document, at 4869-9, that's item 3(c). 4 Then, at paragraph 42 of the KMB investigation 5 report, page 114, you can see a reference to 6 geo-fencing, and that's a reference to speed control 7 aided by GPS. 8 CHAIRMAN: Do you agree that the two mean the same thing? 9 MR YK CHAN: I would say so. 10 MR DEREK CHAN: I'm sorry, Mr Chairman -- 11 CHAIRMAN: Please. 12 MR DEREK CHAN: And speed control aided by GPS is item 3(d) 13 in the list of safety devices to be considered by the 14 working group. 15 Over the page, at paragraph 45, KMB raised the issue 16 of speed limitation. So sort of a speed retardation 17 system that does more than just cutting fuel when the 18 bus goes past a certain speed limit. That is also 19 mentioned as one of the devices to be considered by the 20 working group at paragraph 3(e). 21 At paragraph 47 of the KMB investigation report, 22 there is consideration being given to a device to 23 monitor the drowsiness of bus captains, and that is also 24 a device to be considered by the working group at 25 paragraph 3(g) of the scope of works document.</p>	<p>1 MR YK CHAN: I just want to try to set the scene what has 2 been done. When we do our research, apart from our own 3 normal context, we also approach the vehicle 4 manufacturer of those buses. So mainly it's the three 5 main manufacturers of buses in Hong Kong, ADL, Volvo and 6 MAN, and we discuss with them and try to find out what 7 can possibly be done to be fitted on those buses to 8 improve the safety of vehicles. 9 I think for improving the safety of buses, there are 10 only a number of things you can do. There is nothing 11 new. But we can find out and bus companies can find 12 out. I don't know whether they have discussed with the 13 manufacturer to do the same thing as well, but for us, 14 we do that independently in February. 15 MR DEREK CHAN: Mr Chan, if you don't mind, can I summarise 16 it in this way: what you are saying is that you did your 17 own independent research, KMB might have done their own 18 independent research, you don't know, but it's 19 a coincidence, a proper one, that you come up with 20 a similar list of safety devices; is that the case? 21 CHAIRMAN: Because there are only a limited number of safety 22 devices that are relevant; isn't that your evidence? 23 MR YK CHAN: That is right. And you can also notice that 24 what KMB proposed, not all of their proposals are in our 25 list, so obviously they are doing their own research and</p>

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<p>1 think there is something that should be investigated.</p> <p>2 CHAIRMAN: Yes.</p> <p>3 MR DEREK CHAN: Still on the scope of works issue, can</p> <p>4 I take you back to the minutes itself at paragraph 3.</p> <p>5 That's at page 4869-2, paragraph 3.</p> <p>6 Paragraph 3 says this:</p> <p>7 "As regards the proposed scope of work, KMB/Long Win</p> <p>8 further suggested including four other aspects advise</p> <p>9 assault on bus captain, illegal parking at bus stops,</p> <p>10 traffic congestion, aggravating bus captains' driving</p> <p>11 fatigue and pressure as well as bus stop arrangements in</p> <p>12 the scope of work."</p> <p>13 Paragraph 4 contains the Transport Department's</p> <p>14 response to that suggestion.</p> <p>15 Can I pick it up over the page, around six lines</p> <p>16 down from the bottom. The minutes recorded this:</p> <p>17 "Given the 3-month limited time span of the working</p> <p>18 group, it was agreed at the meeting that the working</p> <p>19 group should focus on the proposed scope of work set out</p> <p>20 at annex ..."</p> <p>21 And it goes on to record what that scope of works</p> <p>22 is.</p> <p>23 Am I correct to interpret it as saying that, at this</p> <p>24 stage, the intended limited time span of the working</p> <p>25 group meant that additional bus safety related matters</p>	<p>1 MR YK CHAN: The thinking behind it at that time was we</p> <p>2 tried to find out and develop measures as quickly as</p> <p>3 possible, and three months' time at that time was</p> <p>4 considered appropriate, in order to cover the scope that</p> <p>5 we have defined at that time.</p> <p>6 CHAIRMAN: What was the urgency in finding out and</p> <p>7 developing measures as quickly as possible? What was</p> <p>8 the urgency?</p> <p>9 MR YK CHAN: I suppose the urgency was that a serious bus</p> <p>10 accident had occurred, and the Transport Department</p> <p>11 would like to work with the bus companies to develop</p> <p>12 remedial measures as quickly as possible, so as to</p> <p>13 minimise or even eradicate the occurrence of such</p> <p>14 incidents in future. But of course those items cannot</p> <p>15 be implemented in one day but we try to complete it as</p> <p>16 soon as possible.</p> <p>17 CHAIRMAN: And presumably -- and say so if it wasn't -- this</p> <p>18 was also a reaction to the fact that there had been</p> <p>19 considerable concern expressed in LegCo, in the district</p> <p>20 council and publicly about the incident, the 10 February</p> <p>21 accident. Was that a factor in the urgency?</p> <p>22 MR YK CHAN: I would say this is a contributing factor to</p> <p>23 that.</p> <p>24 CHAIRMAN: There was a need to be seen to be doing</p> <p>25 something; is that it?</p>
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<p>1 proposed by KMB should not be discussed in order to</p> <p>2 focus on the proposed scope of works of the working</p> <p>3 group? Is that a correct interpretation?</p> <p>4 MR YK CHAN: At that time, as I just mentioned, the</p> <p>5 intention was to complete the working group and</p> <p>6 investigation and also come up with the recommendation</p> <p>7 in a really tight time, in about three months. That's</p> <p>8 why, at that moment, we sort of want to focus on those</p> <p>9 critical items.</p> <p>10 Now, all other items, we are not saying that they</p> <p>11 are not relevant.</p> <p>12 CHAIRMAN: But the answer to the question is "yes".</p> <p>13 MR YK CHAN: Yes.</p> <p>14 CHAIRMAN: The question was, was KMB's shopping list</p> <p>15 rejected because of the short time span? And the answer</p> <p>16 is "yes; is that right? Do I understand your evidence?</p> <p>17 MR YK CHAN: That's right, that's right.</p> <p>18 We also mentioned to the bus companies that those</p> <p>19 items can be discussed at other forums; it's not</p> <p>20 necessary to be covered in this working group.</p> <p>21 MR DEREK CHAN: Yes. Now, at this stage, what was the</p> <p>22 rationale behind the intended limited life span of</p> <p>23 a working group of this nature? At that stage, why was</p> <p>24 it not a permanent group; why was it intended to be only</p> <p>25 three months? What was the thinking behind it?</p>	<p>1 MR YK CHAN: No.</p> <p>2 CHAIRMAN: Yes, Mr Chan.</p> <p>3 MR DEREK CHAN: Mr Chairman, it may be convenient here again</p> <p>4 to note the reference on the transcript on the scope of</p> <p>5 work discussion between KMB and the Transport</p> <p>6 Department. There's a series of correspondence on this</p> <p>7 very topic, which starts at KMB-12, page 4939. I don't</p> <p>8 intend to go to that detail at this stage, but again the</p> <p>9 reference is there.</p> <p>10 CHAIRMAN: Just give me a moment because I want to</p> <p>11 understand what you are talking about.</p> <p>12 This is correspondence about the KMB shopping list,</p> <p>13 as I've called it?</p> <p>14 MR DEREK CHAN: Yes, and then the Transport Department's</p> <p>15 response. So there are four rounds of communication, if</p> <p>16 I may put it that way, starting at 4939.</p> <p>17 CHAIRMAN: Yes. Thank you.</p> <p>18 MR DEREK CHAN: Mr Chan, can I then take you back to the</p> <p>19 minutes of the first meeting, and can I take you,</p> <p>20 please, to paragraph 16, which is page 4869-6.</p> <p>21 Mr Chan, I am going to come back -- this</p> <p>22 paragraph 16 is on the issue of seat belts. I am going</p> <p>23 to come back to you on seat belts as a separate topic</p> <p>24 later on. But, at this point in the chronology, can</p> <p>25 I just ask you this question which arises from</p>

Page 133	<p>1 paragraph 16.</p> <p>2 At paragraph 16 -- I will just read it into the</p> <p>3 record:</p> <p>4 "CTB/NWFB queried the practicability of installation</p> <p>5 of seat belts on all seats to enhance passengers safety</p> <p>6 because it would be difficult for the bus captains to</p> <p>7 ensure passengers on buses wearing seat belts. Besides,</p> <p>8 CTB/NWFB also raised the concerns on the need of wearing</p> <p>9 seat belt by standees who could not be provided with</p> <p>10 seat belts. TD advised that there were requests for</p> <p>11 a comprehensive review on seat belts installation on bus</p> <p>12 after the traffic accidents."</p> <p>13 Now, Mr Chan, what "requests" is referred to in this</p> <p>14 paragraph here? We know, in the LegCo Panel on</p> <p>15 Transport, in the motions passed there was a reference</p> <p>16 to seat belts, which is a month before this meeting.</p> <p>17 Does the "requests" there refer to the requests made by</p> <p>18 the LegCo Panel on Transport in its motion, or does it</p> <p>19 refer to some other requests?</p> <p>20 MR YK CHAN: I think what you mentioned, the LegCo session,</p> <p>21 the request for seat belts, to review the seat belt</p> <p>22 arrangement, is one --</p> <p>23 CHAIRMAN: Could you speak into the microphone more</p> <p>24 directly. Thank you.</p> <p>25 MR YK CHAN: Yes. I believe that what you mentioned about</p>	Page 135	<p>1 respect is at TD-1, page 366.</p> <p>2 What you should have before you, Mr Chan, is</p> <p>3 an email. Can I first take you to the bottom email on</p> <p>4 page 366. It is an email from the committee's</p> <p>5 secretariat to the Transport Department, one Mr Tony KT</p> <p>6 Yau.</p> <p>7 CHAIRMAN: What is the date of the email?</p> <p>8 MR DEREK CHAN: The date of the email is 1 June 2018. You</p> <p>9 can pick that up at the bottom of page 366.</p> <p>10 The email itself is over the page at page 367. You</p> <p>11 can see from the second paragraph from the top:</p> <p>12 "It was noted from the hearing that CTB and NWFB had</p> <p>13 set their black box system to automatically generate</p> <p>14 over-speeding report for drivers driving above 70 km/h</p> <p>15 generally, as well as for drivers driving above 50 km/h</p> <p>16 on 25 road sections selected by the companies for</p> <p>17 enhanced monitoring ... A question was posed to CTB and</p> <p>18 NWFB on whether the bus company management had any</p> <p>19 information on the percentage (in terms of length) of</p> <p>20 roads travelled by CTB's and NWFB's buses and with a</p> <p>21 statutory speed limit of 50 km/h that were covered by</p> <p>22 the abovementioned 25 road sections. In response, CTB</p> <p>23 and NWFB replied that they did not have the figure (as</p> <p>24 they said that they did not have a full set of digital</p> <p>25 data detailing the speed limit of all roads in Hong</p>
Page 134	<p>1 the LegCo members' request for review on seat belts is</p> <p>2 one source of information, but of course we cannot</p> <p>3 specifically mention which one, which occasions that the</p> <p>4 requests were made, but from our meeting of the press</p> <p>5 and also from other sources, we do note that seat belts</p> <p>6 is an item that we are expected to look into.</p> <p>7 CHAIRMAN: Are you moving on?</p> <p>8 MR DEREK CHAN: Yes.</p> <p>9 CHAIRMAN: There is a reference here, in the plural, to</p> <p>10 "traffic accidents". Now, Tai Po was one accident. To</p> <p>11 what other accident was this referring?</p> <p>12 MR YK CHAN: I think it really mentions that particular</p> <p>13 accident.</p> <p>14 CHAIRMAN: So plural is a mistake? It should be "the</p> <p>15 traffic accident"?</p> <p>16 MR YK CHAN: I think that was a general statement, referring</p> <p>17 traffic accidents. There's not particular mention of</p> <p>18 other accidents, but the Tai Po accident is the one that</p> <p>19 brings up this issue for review.</p> <p>20 CHAIRMAN: Yes. Thank you.</p> <p>21 MR DEREK CHAN: The next matter in the chronology that</p> <p>22 I want to deal with is the issue of a digital speed map.</p> <p>23 What I'm referring to is a digital map with speed limits</p> <p>24 incorporated into the map itself.</p> <p>25 The first document I want to take you to in this</p>	Page 136	<p>1 Kong) but agreed to share with the committee a digital</p> <p>2 map depicting all roads that their buses operate on.</p> <p>3 It is in connection to the above that I am writing</p> <p>4 to seek your assistance in providing the committee with</p> <p>5 digital maps showing the statutory speed limits of roads</p> <p>6 in Hong Kong, so that the committee may compare those</p> <p>7 maps with the ones to be provided by CTB and NWFB."</p> <p>8 Now, (i) and (ii) set out the detail of that</p> <p>9 request, but that request was made on 1 June 2018.</p> <p>10 What then happened on this topic is a letter was</p> <p>11 then sent to the bus companies by the Transport</p> <p>12 Department, on 7 June 2018, just a few days after this</p> <p>13 email.</p> <p>14 Can I firstly take you to the document, at TD-1,</p> <p>15 page 477. Do you have before you the letter from the</p> <p>16 Transport Department to the bus operators dated 7 June</p> <p>17 2018?</p> <p>18 Mr Chan, do you have that before you?</p> <p>19 MR YK CHAN: Yes.</p> <p>20 MR DEREK CHAN: In this letter, in the second paragraph, the</p> <p>21 Transport Department says:</p> <p>22 "I am pleased to inform you that the dataset of</p> <p>23 speed limits under the road networks managed by TD in</p> <p>24 the geographical information system format is already</p> <p>25 available to download from data.gov.hk [website] of the</p>

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<p>1 HKSAR government." 2 In the third paragraph, you inform the bus operators 3 that: 4 "You may utilise these GIS data packages to explore 5 the technical feasibility on speed control by GPS or 6 geo-fencing with your bus manufacturers or other 7 appropriate parties to conduct relevant trials." 8 Now, my question is this. Is there any reason why 9 the Transport Department wrote to the bus companies, 10 drawing their attention specifically to the availability 11 of a speed limit digital map, in the context of GPS 12 speed control, only after this committee has enquired 13 into its availability? Is there any connection between 14 the two? 15 MR YK CHAN: Well, the date of the letter was sent on the 16 7th to the operators. 17 MR DEREK CHAN: Yes. 18 MR YK CHAN: We sent this letter because Citybus said -- 19 I believe they are not aware of the city map data is 20 already available. 21 CHAIRMAN: That was apparent from what had been stated in 22 the letter from the committee, was it not, that it was 23 obvious they didn't know about the availability of this 24 digital map? 25 MR YK CHAN: I presume Citybus did not know.</p>	<p>1 MR DEREK CHAN: So that's the briefing paper prepared for 2 the panel meeting. 3 Now, Mr Chan, I had originally prepared a number of 4 questions to ask you on the basis of this briefing 5 paper, but those issues have now been superseded by the 6 report, the full report, of the working group that the 7 department provided to the committee yesterday 8 afternoon, so I will pick up the matters that I want to 9 ask you from the full working group report. 10 The report -- Mr Chairman, my copy is unpaginated, 11 but again, for the transcript's record -- 12 CHAIRMAN: Thank you. 13 MR DEREK CHAN: -- the report of the working group is at 14 TD-5, page 1757. 15 CHAIRMAN: Which paragraph number are you going to? 16 MR DEREK CHAN: I'm going firstly to the summary at 17 section 5 of the report. 18 Mr Chan, I'm going directly first to the summary of 19 recommendations at chapter 5 -- 20 CHAIRMAN: Yes, I have it. 21 MR DEREK CHAN: -- which is internal pagination page 41. 22 Mr Chan, at paragraph 5.3, it deals with the 23 proposed installation of in-vehicle safety devices, and 24 5.3 says: 25 "All new double-deck buses procured from July 2018</p>
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<p>1 CHAIRMAN: No. 2 MR YK CHAN: That's why we sent a letter to them to advise 3 the datas are actually available. 4 CHAIRMAN: So there is a connection between the fact that it 5 came out in the inquiry, this letter, perhaps, to the 6 Transport Department, telling you that, although it was 7 already available on the transcript, and that's why 8 there was a response saying, "If you don't know about 9 its availability, here it is, it's available"; is that 10 it? 11 MR YK CHAN: I think there's a connection. 12 CHAIRMAN: Yes, thank you. Perfectly sensible, if I might 13 say so. 14 MR DEREK CHAN: Then, moving on from that, Mr Chan -- there 15 were various meetings held in March, April and then 16 June. I will come back to some of the details of the 17 matters discussed in the meetings on the issue of seat 18 belts, but at this stage can I then go forward in the 19 chronology to 25 July 2018. That date is relevant 20 because we have a meeting by the LegCo Panel on 21 Transport, and a briefing note was prepared by the 22 Transport Department in advance of that meeting or for 23 the purpose of that meeting. 24 That document is at TD-1, page 403. 25 MR YK CHAN: Yes.</p>	<p>1 onwards will be incorporated with: 2 (a) electronic stability control system, and 3 (b) speed limiting retarder." 4 At 5.4, it is noted that for existing buses, the 5 franchised bus operators will be working on retrofitting 6 these two items on to the buses. 7 So that deals with one category which is devices 8 which will be installed. 9 At 5.5, this deals with devices that will be 10 trialled to see whether they are worth installing, and 11 under that category we have the BMCS, which is the bus 12 monitoring control system, the collision-alert and 13 lane-keeping devices, and the driver-monitoring device. 14 So these are the devices that are to be trialled. 15 My question is this: is there any reason why these 16 numerous enhancements to bus safety were considered only 17 after the Tai Po accident and not before that? 18 MR YK CHAN: I would say that these improvement measures or 19 new equipment is an outcome of our discussion with the 20 bus operators and the vehicle manufacturers to prove 21 that they might be useful, actually useful, for 22 improving the safety of buses, and that comes out, the 23 recommendation like this. 24 CHAIRMAN: But the question is, why weren't you having these 25 discussions with the bus manufacturers prior to the</p>

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<p>1 Tai Po accident? That's really the question.</p> <p>2 MR YK CHAN: Well, perhaps, as I mentioned before, this</p> <p>3 Tai Po accident actually entails a series of questions</p> <p>4 on whether something more can be done to improve the</p> <p>5 safety of operation of buses, and arising from that</p> <p>6 I would say that this is the outcome of the discussions,</p> <p>7 and this is the way we have been moving forward.</p> <p>8 CHAIRMAN: I think it comes to this, does it not: because of</p> <p>9 what had been said in LegCo, the district council,</p> <p>10 publicly, the press, that was the impetus that got you</p> <p>11 looking into these areas; is that fair?</p> <p>12 MR YK CHAN: Yes.</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 MR DEREK CHAN: Now, can I focus on the BMCS for the moment</p> <p>15 which is the bus monitoring control system. Is it</p> <p>16 a fair summary to say the bus monitoring control system</p> <p>17 consideration arises as a result of the technological</p> <p>18 advancements of the black box or telematics systems</p> <p>19 that's available to be installed on franchised buses?</p> <p>20 Would that be a fair observation?</p> <p>21 MR YK CHAN: Yes. Black box is sort of a major item that is</p> <p>22 embedded in this sort of system.</p> <p>23 MR DEREK CHAN: Yes. It is the black box that enables the</p> <p>24 BMCS to be further advanced?</p> <p>25 MR YK CHAN: Yes.</p>	<p>1 CHAIRMAN: Sorry, is arising from this review, the</p> <p>2 committee?</p> <p>3 MR YK CHAN: This review.</p> <p>4 CHAIRMAN: Thank you.</p> <p>5 MR DEREK CHAN: Still on the issue of the BMCS, can I take</p> <p>6 you to paragraph 5.14.</p> <p>7 At 5.14 of the report, it says this:</p> <p>8 "Moreover, the Transport Department is keen to see</p> <p>9 the development and trials on BMCS which enables</p> <p>10 franchised bus operators to adopt a more holistic</p> <p>11 approach in both enhancing bus safety and management and</p> <p>12 control of bus fleet. Apart from overseeing trials by</p> <p>13 franchised bus operators, the Transport Department plans</p> <p>14 to engage a service provider to carry out an independent</p> <p>15 trial on vehicles to evaluate the applicability and</p> <p>16 effectiveness of using geo-fencing technology to control</p> <p>17 vehicle speed, which is one of the vital parts of the</p> <p>18 BMCS. Looking ahead, the TD would review the findings</p> <p>19 as revealed in the trials and would have further</p> <p>20 discussions with franchised bus operators with a view to</p> <p>21 developing a clear roadmap for uplifting the franchised</p> <p>22 bus monitoring through implementation of the BMCS."</p> <p>23 Now, I've got a couple of questions on this proposed</p> <p>24 engagement of a service provider to carry out</p> <p>25 independent trials. What progress has currently been</p>
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<p>1 MR DEREK CHAN: We have already looked at the pre-existing</p> <p>2 requirements that the Transport Department imposed on</p> <p>3 the franchised buses this morning, in a document dated</p> <p>4 2003. In that regard -- to some extent we have already</p> <p>5 covered this this morning, but there are a few matters</p> <p>6 I want to ask you about, at paragraph 2.22.</p> <p>7 We've already been through this morning that annex 2</p> <p>8 contains the updated black-box requirement. At 2.22,</p> <p>9 the report says:</p> <p>10 "Moreover, the working group notes that the TD has</p> <p>11 recently reviewed and updated the 'Basic minimum</p> <p>12 requirements for electronic data recording device' which</p> <p>13 was first issued in 2003."</p> <p>14 So my question is when was this reviewed and what</p> <p>15 prompted the review?</p> <p>16 MR YK CHAN: Well, it is a review of the function, the</p> <p>17 capability of the telematics that are now available --</p> <p>18 for the telematics now currently used by the bus</p> <p>19 companies, and then the review give us the results that</p> <p>20 there are some other functions that actually the</p> <p>21 telematics is capable of recording or taking signals and</p> <p>22 it would be useful in enhancing the BMCS. That's why</p> <p>23 I would say that the revision of the basic minimum</p> <p>24 requirement for the electronic data recording device is</p> <p>25 arising from this review.</p>	<p>1 made on this front, engaging an independent service</p> <p>2 provider to conduct trials independently by the TD?</p> <p>3 MR YK CHAN: We are actually applying for resources,</p> <p>4 funding, to fund this independent trial.</p> <p>5 MR DEREK CHAN: So does that mean that there's not yet</p> <p>6 an identification of who may be providing this service?</p> <p>7 MR YK CHAN: Not yet.</p> <p>8 CHAIRMAN: This term, "service provider", what does that</p> <p>9 actually mean? Independent consultant? What is it?</p> <p>10 MR YK CHAN: Well, this is a party who can provide this sort</p> <p>11 of service to the Transport Department to carry out this</p> <p>12 trial. May I put it more specific?</p> <p>13 CHAIRMAN: Please.</p> <p>14 MR YK CHAN: We are looking to engage the Hong Kong</p> <p>15 Productivity Council to carry out this sort of trial for</p> <p>16 us. But this is not yet fixed because we are still</p> <p>17 waiting for funding.</p> <p>18 CHAIRMAN: Perhaps you can help me. Why is it that you</p> <p>19 think that they have the expertise to deal with this?</p> <p>20 MR YK CHAN: We have actually tried to source a suitable</p> <p>21 party to assist Transport Department to do</p> <p>22 an independent research on this geo-fencing technology.</p> <p>23 This is because we want to try to be more proactive, to</p> <p>24 do more research in this regard, and also we have some</p> <p>25 more independent information to verify the bus</p>

<p style="text-align: right;">Page 145</p> <p>1 operators' claim on their development, whether they are 2 genuine or not. 3 In the search of these parties, we find that the 4 Hong Kong Productivity Council, they do have 5 an automotive parts and accessory system and R&D centre. 6 We have discussed with them and we believe that they 7 have the sort of capability to carry out this sort of 8 research. 9 CHAIRMAN: Thank you. 10 MR DEREK CHAN: So I take it from your answers that you do 11 not yet have a defined scope for the engagement, or have 12 you got something? 13 MR YK CHAN: We are working on the detailed project brief, 14 on the scope of the project, but basically what we want 15 to do is -- we will try to do this trial in two phases. 16 The first one is to test out this geo-fencing 17 technology, to see what can be done to improve the 18 accuracy of this positioning system and whether it is 19 working properly, and we also intend to try in other 20 types of vehicle, to see whether it works. 21 In the second phase, subject to a successful trial 22 in the first phase, then we will talk to the bus 23 companies, whether we can adopt this technology to try 24 on their buses as well. So we will have our independent 25 trial and the bus company also engage their own supplier</p>	<p style="text-align: right;">Page 147</p> <p>1 MR YK CHAN: Mm-hmm. 2 CHAIRMAN: And its implementation in a geo-fencing system; 3 is that it? 4 MR YK CHAN: Yes. 5 CHAIRMAN: Thank you. 6 MR DEREK CHAN: I'm sorry, do you want to say something, 7 Mr Chan? 8 MR YK CHAN: No, that's all. 9 MR DEREK CHAN: Mr Chan, there is nothing in this report 10 that talks about a similar proposed appointment of 11 an independent consultant or a separate independent 12 Transport Department trials for the other devices that 13 are being tried. They are the collision-alert and 14 lane-keeping devices and the driver monitoring devices. 15 Now, are there any plans by the Transport Department 16 to conduct their own independent trials or consultancy 17 work, and if not, why not? 18 MR YK CHAN: We would like to do more, but the reality is we 19 do need resources to do it. As the commissioner this 20 morning also mentioned, we are actually applying for 21 resources to set up an IT -- technology group, to carry 22 out that sort of studies and researches. With the 23 resources we have at the moment, and like this trial we 24 are also applying for funding to do it, if we have 25 sufficient resources, we certainly would like to go into</p>
<p style="text-align: right;">Page 146</p> <p>1 to do more or less the same thing. But this is 2 something that we try to cross-reference and see whether 3 we are actually doing the right thing or they are doing 4 the right thing. 5 CHAIRMAN: I'm sorry, the first part of the test is to test 6 the accuracy of the GPS system? Is that what you said? 7 MR YK CHAN: Well, the first part is -- I think, out of this 8 whole geo-fencing technology, one aspect is, the most 9 difficult, is the application of this GPS positioning in 10 Hong Kong environment. 11 CHAIRMAN: Yes. 12 MR YK CHAN: And there are a lot of feedbacks that they are 13 not very accurate and that's why they have to apply 14 geo-fencing technology to actually map out -- sort of 15 map out these road networks and then try to provide 16 a more accurate reading on the route itself. This is 17 something that has to be tried out. 18 Also, I understand that the service provider working 19 for Citybus and also KMB is also working on that sort of 20 technology and has produced some quite good results, but 21 we want to try to -- we really want to have 22 an independent trial to sort of verify and then 23 understand more about this technology. 24 CHAIRMAN: And this technology is, first of all, GPS, Global 25 Positioning System?</p>	<p style="text-align: right;">Page 148</p> <p>1 that sort of -- more researches. 2 In fact, in this project, independent trial, the 3 second part is really we will go into sort of using the 4 technology to map out -- match out the speed limit of 5 the vehicles and then we also want to carry out trial on 6 whether we can apply the speed limiters, to restrict the 7 speed on our road sections. But this is really subject 8 to the first successful trial in the first phase and 9 then we will go into the second phase. 10 CHAIRMAN: And by "speed limiters" you mean active 11 retarders? 12 MR YK CHAN: That's right. 13 MR DEREK CHAN: Mr Chan, so we have been through the way the 14 Transport Department has dealt with various enhancements 15 to bus safety. Now I want to contrast that by looking 16 at the London approach. 17 CHAIRMAN: If you are moving on to another topic, we are 18 going to take a mid-afternoon break, not least of all to 19 give Mr Chan a rest, but also yourself. If that's 20 convenient, we will take 20 minutes now. 21 MR DEREK CHAN: Yes. Thank you, Mr Chairman. 22 CHAIRMAN: A 20-minute break. 23 (4.02 pm) 24 (A short adjournment) 25 (4.22 pm)</p>

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<p>1 CHAIRMAN: Yes, Mr Chan.</p> <p>2 MR DEREK CHAN: Mr Chairman, I think I owe the committee</p> <p>3 a reference in terms of the Singapore penalty situation.</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR DEREK CHAN: The document that we have that describes the</p> <p>6 franchised bus services in Singapore is at SEC-2,</p> <p>7 page 822. That's the first page of the document.</p> <p>8 So, Mr Chairman, the document itself is</p> <p>9 an information note from the research office of the</p> <p>10 Legislative Council Secretariat, and the part relevant</p> <p>11 to us for our question is at paragraph 3.19 at page 834.</p> <p>12 At 3.19, there is a reference to "Quality of Service</p> <p>13 Standards", defined as "QoS", and the end of the</p> <p>14 paragraph says:</p> <p>15 "Currently, the QoS standards comprise the following</p> <p>16 two categories:</p> <p>17 (a) Operating performance standards which measure</p> <p>18 minimum daily or monthly operational deliverables,</p> <p>19 either at the bus network or route levels. They cover</p> <p>20 the aspects of bus reliability, loading and safety ..."</p> <p>21 So that's where safety comes in.</p> <p>22 At 3.20, the paragraph sets out consequences of</p> <p>23 non-compliance with the QoS standards and the scale of</p> <p>24 the fines.</p> <p>25 CHAIRMAN: Yes.</p>	<p>1 the Land Transport Authority, setting out a number of</p> <p>2 matters which arose from this research, information</p> <p>3 note.</p> <p>4 CHAIRMAN: And that's one of the questions: has this penalty</p> <p>5 provision ever been invoked?</p> <p>6 MR DEREK CHAN: Yes, it is.</p> <p>7 CHAIRMAN: Thank you.</p> <p>8 MR DEREK CHAN: Mr Chan, before the break, I was going to</p> <p>9 contrast the Hong Kong approach to the London approach.</p> <p>10 So, firstly, can I deal with the topic of what they have</p> <p>11 referred to as intelligent speed assistance, which is</p> <p>12 similar to our geo-fencing speed limitation concept.</p> <p>13 For that, can I first take you to a document --</p> <p>14 CHAIRMAN: Do you agree with that proposition, that ISA is</p> <p>15 similar to geo-fencing?</p> <p>16 MR YK CHAN: Yes.</p> <p>17 MR DEREK CHAN: Can I first take you to a document at</p> <p>18 bundle MISC-3, page 939.</p> <p>19 Mr Chan, what you have before you should be the</p> <p>20 first page of a report published by Transport for London</p> <p>21 titled, "Intelligent speed adaption design", dated</p> <p>22 December 2009.</p> <p>23 Can I go to the introduction to this report to give</p> <p>24 context to what was happening in December 2009, and for</p> <p>25 that can I go to page 945.</p>
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<p>1 MR DEREK CHAN: Turning over the page, at 835, we have</p> <p>2 a table of the quality of service standards, grouped</p> <p>3 under different headings.</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR DEREK CHAN: Mr Chairman will note that under the heading</p> <p>6 "Reliability", the third item is a bus breakdown rate,</p> <p>7 which is set at less than 1.5 per cent monthly, and</p> <p>8 under the heading "Safety" it would appear that the</p> <p>9 Singapore Land Transport Authority also uses only the</p> <p>10 accident rate of all bus services of less than 0.75 per</p> <p>11 100,000 bus kilometres per month.</p> <p>12 CHAIRMAN: And as we would express that, 7.5 per million</p> <p>13 kilometres?</p> <p>14 MR DEREK CHAN: Yes. And again, page 837 --</p> <p>15 CHAIRMAN: A high figure compared with our accident rate for</p> <p>16 our buses in Hong Kong?</p> <p>17 MR DEREK CHAN: Yes, purely on an accident rate basis.</p> <p>18 CHAIRMAN: But nevertheless a penalty to be visited on the</p> <p>19 franchised bus operator if that event occurs?</p> <p>20 MR DEREK CHAN: Yes, that's correct.</p> <p>21 CHAIRMAN: Am I right in recalling that we have asked those</p> <p>22 assisting us in the Land Transport Authority in</p> <p>23 Singapore whether or not this penalty has ever been</p> <p>24 used?</p> <p>25 MR DEREK CHAN: Yes. The committee has written letters to</p>	<p>1 So what is being looked at now are the introduction</p> <p>2 part -- I will just read out the first two paragraphs:</p> <p>3 "ISA [that's intelligent speed assistance] software</p> <p>4 development began in France in the 1980s and has been</p> <p>5 trialled and evaluated in a number of different markets</p> <p>6 since, proving effective at reducing driver speed and</p> <p>7 incidents on the road. In May 2009 TfL commenced a trial</p> <p>8 of one of the latest ISA systems in an attempt to reduce</p> <p>9 speed and road accidents in the capital. Prior to this</p> <p>10 trial TfL developed one of the most comprehensive</p> <p>11 digital speed maps of any city.</p> <p>12 The three types of ISA modes currently available are</p> <p>13 Advisory, Voluntary and Mandatory ISA. The Advisory ISA</p> <p>14 displays the speed limit to the driver via a digital map</p> <p>15 and GPS system in the vehicle, and is currently an</p> <p>16 add-on unit, similar to a satnav device. Voluntary ISA</p> <p>17 goes a step further, linking the speed limit information</p> <p>18 with the vehicle engine management electronics, and can</p> <p>19 limit the vehicle's performance once the speed limit has</p> <p>20 been reached. Under the Voluntary system the equipment</p> <p>21 can be switched off if the driver wishes so that the</p> <p>22 device does not affect acceleration. The Mandatory ISA</p> <p>23 differs in that the equipment cannot be switched off</p> <p>24 (except in case of emergency). TfL is sponsoring a trial</p> <p>25 of Advisory and Voluntary ISA within London."</p>

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<p>1 And can I take you to the second-to-last paragraph 2 from the bottom: 3 "To date a year long project has already been 4 undertaken by TfL to understand and explore the London 5 drivers' attitude, motivations and barriers to ISA." 6 Again, my reference to this document is to set the 7 scene and give a date as to when the Transport for 8 London has been looking at this ISA system. 9 The second document that I want to take you to, on 10 the same subject, is a report from the Transport 11 Research Laboratory dated November 2016 on the same 12 issue. In the same bundle, can I take you forward to 13 page 1002. 14 Mr Chan, I hope you have before you a report by TRL, 15 the Transport Research Laboratory, in London, on 16 intelligent speed assistance on London Buses, and it 17 says, "A trial on two London bus routes". 18 Over the page on 1003, you can pick up the report 19 date near the top of the page, which is November 2016. 20 Again, can I pick up the context of this report from the 21 introduction, which is at page 1011 of the report. 22 Starting at the middle part of the page, under the 23 heading, "What is ISA?", the first paragraph describes 24 what intelligent speed assistance is -- it's similar to 25 what we've looked at so I'm not going to read it out --</p>	<p>1 vehicle speed with external information on the speed 2 limit, and actively controls the speed of the vehicle to 3 stay within the speed limit." 4 The second bullet point says this: 5 "ISA has been trialled across Europe and research in 6 Sweden shows a positive impact of the technology both in 7 terms of improving road safety and acceptance from 8 drivers." 9 Just to complete the picture, 1120, we can pick up 10 the date of the second trial, which is January 2016, at 11 page 1120 of the report. There's a report on the phase 12 2 trial. 13 So the documents show that the ISA had been under 14 consideration by Transport for London as early as 2009, 15 with trials conducted in 2015 and 2016. 16 My question is this: was the Transport Department 17 aware of TfL's extensive analysis into intelligent speed 18 assistance prior to the Tai Po accident? 19 MR YK CHAN: We are not aware of this. 20 MR DEREK CHAN: Leaving this topic of intelligent speed 21 assistance, I'm going to move to look at how London 22 approach their bus safety programme. 23 Can I pick that up firstly from Mr Weston's report, 24 which is at expert bundle page 148. 25 CHAIRMAN: Internal pagination?</p>
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<p>1 and the second paragraph, which I will read out, says 2 this: 3 "In the Pedestrian Safety Action Plan, TfL made a 4 commitment to run a trial of ISA Technology on a small 5 number of vehicles in the bus fleet to understand the 6 potential role of this technology in promoting adherence 7 to speed limits across the road network and its impact 8 on reducing KSI casualties. Subsequently, in 2015 TfL 9 carried out a trial of ISA on London buses using an 10 intervening ISA system by Zeta Automotive Ltd. Such a 11 system is the focus of the study." 12 So, Mr Chan, I just want to pick up the dates from 13 this report, because the report is dated November 2016, 14 but the trials took place in 2015. 15 Again, can I take you quickly to page 1105, which is 16 an appendix to the same report. It's a report on 17 a trial, and the report is dated October 2015. Again, 18 just picking up dates of various things happening in 19 this context. 20 Over the page, at 1106, it gives us a little bit 21 more information about the trials in the first bullet 22 point: 23 "TfL are running a trial of intelligent speed 24 assistance technology on 48 London Buses. The 25 technology brings together internal information on the</p>	<p>1 MR DEREK CHAN: Internal pagination, page 34. 2 CHAIRMAN: Thank you. 3 MR DEREK CHAN: And I'm looking at paragraph 7.5 which is 4 headed, "Bus safety standard". 5 Mr Chan, I'm just going to read the first two 6 paragraphs under the heading, paragraph 7.5, which 7 provides the context in which Transport for London was 8 looking into setting up the bus safety standard: 9 "A core output of the bus safety programme is the 10 development of a ... bus safety standard. TfL have been 11 working in collaboration since 2016 with road safety 12 consultant TRL, Loughborough University, the bus 13 operators and manufacturers to assess and then recommend 14 features which should be incorporated into future bus 15 design to help drive safety improvements. The primary 16 objective of the bus safety standard is casualty 17 reduction especially those killed and seriously injured. 18 Several potential technologies including intelligent 19 speed assistance, autonomous braking, runaway bus 20 prevention, pedal confusion prevention, acoustic and 21 visual conspicuity, mirror design and frontal crash 22 protection are being considered as part of this 23 programme with both the costs and benefits of each being 24 thoroughly assessed to ensure that the casualty 25 reduction is maximised in return for the financial</p>

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<p>1 investment made." 2 Now, the committee has heard evidence that this 3 process of developing a bus safety standard began in 4 February 2016, and still has not been completed as of 5 today. 6 CHAIRMAN: That is Mr Weston's evidence? 7 MR DEREK CHAN: Yes, and the reference to that, Mr Chairman, 8 is at Day 18, which is 27 September 2018, page 115, line 9 7, which gives us the date for that. 10 CHAIRMAN: Thank you. 11 MR DEREK CHAN: As Mr Chairman mentioned this morning, the 12 bus safety standard is expected to be announced in 13 mid-October 2018. So it's more than a two-year process, 14 in that sense. 15 CHAIRMAN: I think what we've been told is that it is 16 intended to be rolled out in phases, and the first phase 17 will be announced in October. 18 MR DEREK CHAN: Yes. Actually, if I can just read on, if 19 you look at page 148, the same page that we are looking 20 at, just a bit further down, just under the middle of 21 the page, it says here: 22 "TfL are planning to announce the first phase of its 23 bus safety standard on 16 October 2018 and it is 24 currently envisaged that they will have three 25 introductory phases:</p>	<p>1 safety and new safety measures to be incorporated. 2 Again, this standard, this time we have reviewed it 3 and also amended it, in August this year, and we will 4 continue to do so, to include the new standards, to be 5 incorporated in here. 6 The bus safety standard mentioned to be revealed or 7 to be unveiled in London comprises a lot of phases and 8 certainly I would suppose it's a very comprehensive and 9 very complicated programme. Certainly, the Transport 10 Department will look into that and see what we can learn 11 from this. As the commissioner said, we will send 12 somebody to the UK later, and certainly this is one 13 aspect that we can further look into. 14 MR DEREK CHAN: Mr Chan, can I then move on to seek your 15 observations on some of the recommendations that the 16 committee has heard that may improve the consideration, 17 proactiveness of the considerations being given to the 18 enhancement of bus safety, and I would like to invite 19 your observations on them. 20 Firstly, the committee has heard various terms being 21 given to this, but one term is a Bus Operator Forum. 22 That's from Mr Weston. Prof Stanley talks about 23 a standing committee on bus safety, the main aim being 24 putting together various interested parties and 25 collaborate on bus safety issues on a regular basis.</p>
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<p>1 -- phase 1 ... 2 -- phase 2 ... 3 -- phase 3 ..." 4 And you've got the dates there. 5 Having looked at the Hong Kong approach and having 6 looked at the London approach, what would be your 7 response to a suggestion that the Transport Department's 8 previous approach to enhancement of bus safety appears 9 to be more reactive to accidents having occurred rather 10 than proactively and systematically seeking out 11 additional measures to enhance bus safety before 12 accidents occurred? 13 MR YK CHAN: I cannot comment on the background, how this 14 bus safety programme comes from. We don't know what 15 institute the authority -- 16 CHAIRMAN: You are not being asked to comment on that. 17 MR YK CHAN: I know. I understand. But what I'm saying is 18 I don't know whether the bus safety standard is more or 19 less equivalent to what we have already, something that 20 we have the recommended minimum specification 21 requirement for new franchised buses. 22 In these specifications, it includes all the 23 features a franchised bus should have, in terms of 24 providing services or facilitating passengers using the 25 buses, and obviously a large part in it does cover</p>	<p>1 To some extent, Ms Chan has accepted that 2 recommendation this morning, by referring to the 3 extension or turning the Working Group on Enhancement of 4 Bus Safety into a permanent group. So I want to ask -- 5 CHAIRMAN: She accepted in terms that she was accepting the 6 recommendation of Mr Weston. 7 MR DEREK CHAN: Yes. In that sense, can I ask some further 8 questions about this working group intended to be made 9 permanent. 10 Can I first pick it up from the working group's 11 final report at paragraph 5.13. Again, just for the 12 reference of the transcript, this is TD-5, page 1803, 13 internal pagination page 43. 14 Mr Chan, I hope you are looking at paragraph 5.13, 15 which is under the heading, "TD's proposed actions". 16 The first part of 5.13 talks about the steps that TD 17 proposes to take in respect of the devices proposed. 18 Can I pick it up at the last sentence, the last line 19 of internal pagination page 44, which says this: 20 "The TD will continue to keep track of the latest 21 development of other devices and technologies with a 22 view to further enhancing bus safety. Taking a 23 proactive approach, the TD will continue to convene 24 working group meetings to monitor the progress of trials 25 closely on a regular basis, and provide a platform for</p>

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<p>1 the Transport Department and the franchised buses 2 operators to exchange views on the latest bus technology 3 advancement and the applicability of new safety devices 4 and technologies on franchised buses." 5 This is a reference to what Ms Chan said this 6 morning about extending the life of the working group. 7 Is that correct? 8 MR YK CHAN: Yes. 9 MR DEREK CHAN: Is there any document which sets out the 10 details of what is now a permanent working group? For 11 example, is there a document setting out any expanded 12 scope of work, any set regular meeting intervals, any 13 document which tells us how this working group has 14 changed from an interim group to a permanent group? 15 MR YK CHAN: Nothing in writing at the moment, but certainly 16 during our discussions with the bus operators, we will 17 discuss this -- we have sort of mentioned about -- 18 because all those initiatives mentioned in the working 19 group will take some time for implementation, and also, 20 as we mentioned, we will also look into the new 21 initiatives where possible. So the working group will 22 carry on, but now, as discussed this morning, this 23 working group is going to be changed to become 24 a permanent forum, but nothing in writing yet. 25 CHAIRMAN: Have you secured the agreement of the franchised</p>	<p>1 meetings. That is other than 21 September and 29 August 2 2018. 3 Would you please provide those to the committee? 4 MR YK CHAN: As I understand it, the notes of the last 5 meeting are still being prepared and to be commented by 6 the operators, so we will -- 7 CHAIRMAN: Right. Well, no doubt it's in draft form, it's 8 ten days ago or more, so there must be a draft. Prepare 9 a draft and we will accept it on that basis. 10 MR YK CHAN: Yes. We will discuss with the operator. 11 CHAIRMAN: Yes. Well, we found that when we ask everybody, 12 they agree to do it for themselves and defer in respect 13 of others, so eventually we got some redacted notes and 14 then Citybus must have said, "Yes, we don't mind the 15 committee having them", and we got the full version. We 16 would like to get to the end result, straight away if we 17 can. 18 MR YK CHAN: Yes. We will certainly look into this. The 19 only worry is because the notes are in draft format and 20 have not been seen by the members, so I don't know 21 whether it will be the final version. 22 CHAIRMAN: Just give them the draft notes now and get them 23 to comment. If there are reservations, then by all 24 means make them. 25 MR YK CHAN: We will consider it.</p>
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<p>1 bus operators to continue to be members of this 2 permanent forum? 3 MR YK CHAN: Yes. 4 CHAIRMAN: That's been done orally? 5 MR YK CHAN: We mentioned in the last working group. 6 MS AMY LEE: Last working group meeting. 7 CHAIRMAN: I'm sorry? 8 MR YK CHAN: We have thrown this idea out at the last 9 working group meeting and they did not express any 10 objection to it. 11 CHAIRMAN: What was the date of that meeting? 12 MR YK CHAN: 21 September. 13 CHAIRMAN: Yes. That's referred to at paragraph 1.5 of the 14 full report. 15 Can you give me a page reference in the paginated 16 version, Mr Chan? 17 MR DEREK CHAN: TD-5, page 1763. 18 The reference to there being a meeting is at the 19 second line of paragraph 1.5. 20 MR YK CHAN: Yes, in the working -- 21 CHAIRMAN: So it was mentioned at that meeting? 22 MR YK CHAN: Yes, the four dates mentioned for the working 23 group, it was the last one, 21 September. 24 CHAIRMAN: Yes. The committee has been provided with the 25 unredacted full notes or draft notes of these other</p>	<p>1 CHAIRMAN: That's the best you can do, "We will consider 2 it"? All right. 3 Yes, Mr Chan. 4 MR DEREK CHAN: Just on this working group, can I just ask 5 one further question about the scope or the intended 6 scope of this working group going forward. 7 From the passage at paragraph 5.13 of the working 8 group report that I just read out, it appears from the 9 wording that the scope of works of the working group is 10 intended to be restricted to discussions on 11 technological enhancements on safety device of 12 franchised buses. Would that be a fair observation of 13 the intended scope of this working group going forward? 14 MR YK CHAN: It would be fair to say that the scope of the 15 working group has been defined beforehand, and it is 16 a common understanding of the members of the working 17 group that we will restrict our discussion to those 18 items. 19 MR DEREK CHAN: Yes. As we have established when I went 20 through the chronology in respect of this working group, 21 that scope of work was agreed with a time frame of three 22 months for the life of the working group in mind. 23 MR YK CHAN: Yes. 24 MR DEREK CHAN: The new intention is for this working group 25 to be permanent.</p>

Page 165	<p>1 MR YK CHAN: Right.</p> <p>2 MR DEREK CHAN: So my question is: is it intended that the</p> <p>3 scope of works of this transformed working group is</p> <p>4 still going to be restricted --</p> <p>5 MR YK CHAN: No.</p> <p>6 MR DEREK CHAN: -- to only technical considerations, or is</p> <p>7 it intended to consider other aspects of bus safety that</p> <p>8 may relate to safe practices or bus-related road safety</p> <p>9 issues, for example?</p> <p>10 MR YK CHAN: Well, with the change of the scope, the working</p> <p>11 group into a permanent forum, I would expect the scope</p> <p>12 of the new forum will cover much more than the original</p> <p>13 scope and if there's any need to extend to other issues</p> <p>14 related to safe operation of buses, I think we will</p> <p>15 include it. We are open-minded about this.</p> <p>16 CHAIRMAN: So you would expect, or you anticipate, the scope</p> <p>17 of this permanent working group/forum to encompass all</p> <p>18 issues of safety/safe operation of buses? Is that it?</p> <p>19 MR YK CHAN: Yes.</p> <p>20 CHAIRMAN: Thank you.</p> <p>21 MEMBER LO: Can I ask a question?</p> <p>22 CHAIRMAN: Please do. Prof Lo.</p> <p>23 MEMBER LO: What about membership of the working group, like</p> <p>24 for example police or Road Safety Council people, who</p> <p>25 would be relevant to look at bus safety?</p>	Page 167	<p>1 resources, to take forward this initiative, and</p> <p>2 certainly this is a factor that we have to consider.</p> <p>3 CHAIRMAN: Yes, Mr Chan.</p> <p>4 MR DEREK CHAN: The next recommendation that has been</p> <p>5 suggested to the committee which may have an effect of</p> <p>6 encouraging a proactive approach is what has been termed</p> <p>7 as a safety innovation fund in London.</p> <p>8 Can I first take you to the evidence of what that</p> <p>9 fund is, and then I will ask for your observations on</p> <p>10 that. Firstly, can I take you to the expert bundle at</p> <p>11 page 146.</p> <p>12 Mr Chairman, that's --</p> <p>13 CHAIRMAN: Mr Weston's report?</p> <p>14 MR DEREK CHAN: Yes, Mr Weston's report, internal pagination</p> <p>15 page 32.</p> <p>16 CHAIRMAN: Thank you.</p> <p>17 MR DEREK CHAN: I am interested in the paragraph under the</p> <p>18 heading, paragraph 7.3, "Safety innovation fund".</p> <p>19 Again, I will just read it out:</p> <p>20 "During November 2017 TfL announced as part of the</p> <p>21 safety innovation fund the award of 500,000 pounds to</p> <p>22 six bus operators to develop new ideas that will improve</p> <p>23 safety across London's bus network. Abellio, CT Plus,</p> <p>24 Go-Ahead, RATP, Tower Transit and Metro line were all</p> <p>25 awarded funding for their ideas for safety devices and</p>
Page 166	<p>1 MR YK CHAN: Well, the membership -- since we will be</p> <p>2 transforming this working group into a more permanent</p> <p>3 forum, the membership, we can consider whether it should</p> <p>4 be extended to other relevant members, whether</p> <p>5 government or non-government. But at the moment,</p> <p>6 I think we will have to discuss and see how this group</p> <p>7 is going to work, in terms of membership and the scope</p> <p>8 as well.</p> <p>9 CHAIRMAN: When do you expect these matters to be resolved,</p> <p>10 that is to say the scope identified and the membership</p> <p>11 to be identified?</p> <p>12 MR YK CHAN: I would say we will do it as quickly as</p> <p>13 possible. There's a million things going on, and we</p> <p>14 certainly hope we can take forward this new initiative</p> <p>15 as soon as possible.</p> <p>16 CHAIRMAN: By the end of the year? You are identifying</p> <p>17 scope and you are identifying members. Those are the</p> <p>18 two matters.</p> <p>19 MR YK CHAN: Perhaps we can take this target for</p> <p>20 achievement.</p> <p>21 CHAIRMAN: You will consider that as a possible target?</p> <p>22 MR YK CHAN: Yes.</p> <p>23 CHAIRMAN: Potential?</p> <p>24 MR YK CHAN: Bearing in mind -- may I supplement -- because</p> <p>25 as I mentioned before we are trying to get more support,</p>	Page 168	<p>1 to improve workplace behaviour. These trials form part</p> <p>2 of the data collection process which has fed into the</p> <p>3 development of the bus safety standard."</p> <p>4 Mr Weston then goes on to describe the actual</p> <p>5 devices being trialled, so I won't go through that.</p> <p>6 Can I then go to a passage at page 152 which</p> <p>7 contains Mr Weston's recommendations.</p> <p>8 Mr Chairman, that's page 38, internal pagination</p> <p>9 page 38.</p> <p>10 CHAIRMAN: Thank you.</p> <p>11 MR DEREK CHAN: A related recommendation that Mr Weston</p> <p>12 gives, under the heading "Network financial</p> <p>13 performance" -- can I pick it up at the second full</p> <p>14 paragraph of that page:</p> <p>15 "Consideration could be given as to whether certain</p> <p>16 safety initiatives, such as the uptake of new safety</p> <p>17 technology and bus driver training targeted specially at</p> <p>18 safety might need to be funded by the Transport</p> <p>19 Department as direct grants outside of the franchise</p> <p>20 agreements with specific outcomes linked to these</p> <p>21 grants. Providing funding outside of the franchise</p> <p>22 agreements is also justified especially if the benefits</p> <p>23 accrue to the wider society."</p> <p>24 Having that context in mind, what observations does</p> <p>25 the Transport Department have in terms of establishing</p>

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<p>1 some sort of fund that provides funding for trialling 2 and developing or coming up with new ideas or new 3 measures to enhance bus safety? 4 MR YK CHAN: As you may know, in Hong Kong the operating 5 situation is very different to that of the UK. 6 I believe the bus services in the UK are tendered out 7 and actually the government is providing funding to run 8 those services, while in Hong Kong the bus companies 9 actually should be responsible to run the network or bus 10 routes on their own, under commercial principles. 11 CHAIRMAN: Sorry, under what? 12 MR YK CHAN: Commercially viable -- commercial principles. 13 CHAIRMAN: Thank you. 14 MR YK CHAN: So these are private companies, and the bus 15 companies should be responsible to pay for all the 16 outlays for operating the bus services and we believe 17 that the operation, the equipment and buses are being 18 provided by the bus companies and they should normally 19 continue to do so. So the UK situation is very 20 different from Hong Kong. 21 But about new initiatives, whether it should be 22 subsidised by the government can be a topic that can be 23 discussed. In actual fact, even nowadays in Hong Kong, 24 we actually sort of are subsidising the bus companies to 25 put up the display units on one-for-one arrangement. So</p>	<p>1 subsidy? 2 MR YK CHAN: Yes. 3 CHAIRMAN: The bus company provides one, the government does 4 another? 5 MR YK CHAN: Yes. 6 CHAIRMAN: And what about bus shelters, bus seats, seats at 7 bus shelters? 8 MR YK CHAN: Yes, seats at the bus shelters, installed at 9 the bus shelters. 10 CHAIRMAN: A one-for-one arrangement? 11 MR YK CHAN: Yes. 12 MR PATRICK WONG: Seats no. All subsidised by government. 13 MR YK CHAN: Sorry, seats -- 14 CHAIRMAN: I'm sorry, what's the position with seats? 15 MR PATRICK WONG: For seats, basically we subsidise the 16 provision of the seats installed at the bus shelters, 17 for the bus shelters basically built by the bus 18 operators themselves, and for the ETA, we call it the 19 display unit, just mentioned by Mr Chan, it's being 20 subsidised on a matching basis one by one. 21 CHAIRMAN: So you pay for the member of the public to sit 22 down at the bus stop to watch one in two of the displays 23 that you have paid for; the other is paid for by the bus 24 company? Is that it? 25 MR PATRICK WONG: Actually, I think for seats, basically we</p>
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<p>1 this is not an item that cannot be touched. We are 2 open-minded about this. But do they establish funding 3 solely for a particular purpose? That I think will have 4 profound implications and real cost implications to 5 other public transport modes as well. 6 But for individual items, certainly we are 7 open-minded about it and it should be discussed, if the 8 bus companies see there is a need to do so. 9 CHAIRMAN: What is this display unit that you subsidise? 10 MR YK CHAN: Currently? 11 CHAIRMAN: Yes. 12 MR YK CHAN: Currently, the government is providing 13 subsidised funding for installation of real-time display 14 units on the bus shelters or bus stops, and also the 15 seatings at those bus stops on a one-for-one 16 arrangement. That means if the bus company provides 17 one, the government will subsidise for another one. So 18 this is the arrangement that has been implemented. So 19 we do provide assistance to take forward initiatives 20 that are beneficial to the general travelling public. 21 CHAIRMAN: This real-time display unit tells the member of 22 the public the estimated time of the arrival of the next 23 bus? 24 MR YK CHAN: That's right. 25 CHAIRMAN: Are you saying that government does a one-for-one</p>	<p>1 have a lot of requests and feedback from especially 2 elderly and those people in need, they prefer to have 3 seats. So we want to -- actually, it's the government 4 policy under the public address -- policy address, that 5 it subsidises the bus company to expedite the provision, 6 to make more numbers available for those who are in 7 need. 8 Thank you. 9 CHAIRMAN: Who pays for the bus shelter, the structure? 10 MR YK CHAN: The bus company. 11 CHAIRMAN: Right. Thank you. 12 Yes, Mr Chan. 13 MR DEREK CHAN: Another recommendation that has been 14 suggested to the committee by Prof Stanley is the 15 establishment of an independent safety regulator. 16 Again, you have read Prof Stanley's report. I'll 17 just give the context to the question. In Australia -- 18 CHAIRMAN: I think it would help to be taken to his 19 recommendations, so we can understand it. 20 MR DEREK CHAN: Yes. 21 Can I take you to two parts of Prof Stanley's 22 report. The first one is at expert bundle page 70. 23 Mr Chairman, this is a reference to Prof Stanley's 24 second report. 25 CHAIRMAN: Thank you.</p>

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<p>1 MR DEREK CHAN: Internal pagination page 70. 2 Mr Chan, can I just draw your attention to page 70. 3 The page is headed up, "Governance", "Main agencies and 4 roles", and in the middle italicised passage 5 Prof Stanley quotes something from the Transport and 6 Housing Bureau on the system in Hong Kong. Can I pick 7 it up in the paragraph under the italicised passage: 8 "THB thus performs the strategic or policy role, the 9 TD undertakes the tactical role and franchised bus 10 operators provide the operational or delivery role. 11 This parallels the Melbourne arrangement, where 12 Transport for Victoria undertakes the strategic role and 13 the Public Transport Development Authority has 14 responsibility for the tactical level. As shown in 15 figure 3.1 [which is the figure over the page], however, 16 a notable difference between arrangements in the two 17 jurisdictions is that Melbourne also has a separate 18 independent safety regulator operating at the tactical 19 level. Transport Safety Victoria was first established 20 under the State's Transport Integration Act 2010, as 21 discussed in section 3.3.1 of the first report under 22 this brief, a role that has no equivalent independent 23 safety entity in Hong Kong. The Transport Department 24 monitors safety performance of FB operators and is 25 involved in promoting safety initiatives. However, the</p>	<p>1 The independence of the Transport Safety Director 2 both elevates safety as a desirable policy outcome and 3 provides an independent source of accountability and 4 transparency on safety processes and outcomes that 5 exceed what is likely to result if (route) bus safety 6 was left solely to the public transport regulatory 7 agency and/or a governmental department to manage." 8 So, in that context, what is the Transport 9 Department's observation as to this idea of setting up 10 an independently accountable safety regulator that 11 focuses on safety issues? 12 MR YK CHAN: Well, I don't know the scale of operations -- 13 is it in Australia, Melbourne? -- under this Victoria, 14 and as I understand the bus operations in Victoria, they 15 are sort of quite de-centralised to quite a number of 16 operators, and obviously the scope of monitoring is much 17 larger. 18 CHAIRMAN: This is a report really about Melbourne rather 19 than the state of Victoria, which obviously is huge. 20 MR YK CHAN: Yes, but it's talking about BusVic. I'm not 21 sure whether it's talking about the whole of Victoria or 22 it really only concentrates on Melbourne. 23 CHAIRMAN: Yes. I follow your point. 24 MR YK CHAN: But even if it is talking about Melbourne, as 25 I understand, Melbourne bus operations, the bus</p>
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<p>1 absence of an independent safety regulator in Hong Kong 2 seems likely to lessen the relative focus on safety 3 matters." 4 So that's the first part that I wish to draw your 5 attention to. 6 The second part, if I may ask you to turn to page 99 7 of the same bundle. 8 Mr Chairman, that's internal pagination page 46. 9 CHAIRMAN: Thank you. 10 MR DEREK CHAN: Can I pick it up at the middle of the page, 11 so I'm going to read the paragraph under the numbers 1, 12 2 and 3. Prof Stanley says this: 13 "Operator support is available from BusVic, the 14 industry association, if desired, across all three 15 areas. For example, BusVic has developed templates for 16 MISs and MMSs which are available to its members, these 17 templates having been developed in collaboration with 18 the Transport Safety Director. The Transport Safety 19 Director has a strong focus on the development and 20 improvement of safety culture in a bus business and 21 safety risk management, working with operators and the 22 industry to improve practice. Guidance material is 23 available, such as Guidance -- Safety Culture, September 24 2016 ... and the director has indicated his willingness 25 to share materials and ideas with Hong Kong, if desired.</p>	<p>1 operation in Melbourne is very different from Hong Kong. 2 In Melbourne, I think they are talking about quite 3 a number of operators, in quite a large number, and -- 4 CHAIRMAN: Yes. I think we can help you with that. 5 MR DEREK CHAN: In terms of negotiated services, which is 6 about two-thirds of the routes, there are 15 contracts 7 and 12 operators, and in terms of one-third of the route 8 which is subject to competitive tendering, there is one 9 contractor, but that is subject to change or may change 10 every seven years. 11 MR YK CHAN: So talking about less than 20 operators? 12 CHAIRMAN: 13. 13 MR YK CHAN: 13. So obviously you are looking at quite 14 a number of operators across the spectrum, and the 15 regulators of these operators have to manage quite 16 a number of these operators. 17 But for Hong Kong, we are looking at -- well, we 18 have six franchisees, and roughly into three core 19 groups: KMB/Long Win, New World First Bus/Citybus, NLB. 20 CHAIRMAN: Long Win. 21 MR YK CHAN: Long Win and KMB. 22 MR DEREK CHAN: New Lantao is the other one. 23 MR YK CHAN: Yes, NLB, New Lantao Bus. So we are managing 24 basically three large groups, six franchisees. 25 Under this regime, I would say it is much easier,</p>

<p style="text-align: right;">Page 177</p> <p>1 because we don't have to manage such a large number of 2 operators, and quite easy -- if you talk about 3 maintenance of safety standards, that will be a much 4 smaller task, as I see it. 5 CHAIRMAN: In Hong Kong? 6 MR YK CHAN: In Hong Kong. 7 Also, as already mentioned previously by the 8 commissioner, in the Transport Department we do have 9 specific professional branches and groups to look into 10 safety. We have the Road Safety and Standards Division, 11 the Vehicle Safety and Standards Division, and also Bus 12 and Railway Branch, all these are actually exercising 13 very tight control on the monitoring of these operators. 14 As far as I can see now, we are doing -- well, 15 I think the way we are working is very efficient, very 16 efficient in the sense that with one department and 17 dealing with only three big groups, and what we want to 18 achieve sort of in raising the safety standards of these 19 operators is not a tremendous task, like in Melbourne 20 you have to convince probably 13 or 14 operators to 21 achieve a common goal. 22 In particular, when you talk about turning a working 23 group into a permanent forum now, it actually is 24 creating a much more focused core group. I would say 25 this forum will take on the duty, I would say very</p>	<p style="text-align: right;">Page 179</p> <p>1 agree? 2 MR YK CHAN: Yes, yes, members from the Road Safety Council 3 are actually quite independent members. 4 CHAIRMAN: Please, Mr Auyeung. 5 MEMBER AUYEUNG: I hear the comment about this forum, that 6 you will be -- sort of you are having permanent 7 meetings, including many stakeholders, but one of the 8 comments I would make is that this forum would discuss 9 more than just safety, because you would discuss many 10 other things. 11 What about within the Transport Department having 12 a particular unit just responsible for safety? Is it 13 a possibility? 14 MR YK CHAN: At the moment, we have a unit called Road 15 Safety and Standards Division. This unit actually looks 16 into the safety aspects of all modes of transport. 17 Certainly franchised bus is one of them. 18 But I see that this unit alone cannot achieve 19 specifically what we want to achieve for enhancing the 20 safety of buses, because it involves more than roads; it 21 also involves vehicles and the sort of operations. 22 So, in actual fact, within the Transport Department 23 internally we can certainly form a group comprising the 24 experts from all these divisions, to specifically look 25 into franchised bus safety. I think this is workable.</p>
<p style="text-align: right;">Page 178</p> <p>1 similar to what is being proposed, as an independent 2 audit sort of set-up, like the one in Melbourne. 3 So, in the Hong Kong context, I think the need for 4 establishing a separate entity to oversee the operation 5 over the Transport Department and the operators is not 6 absolutely necessary. 7 CHAIRMAN: But what's independent about a forum that is 8 comprised of the Transport Department and the bus 9 operators? They are not independent of each other, are 10 they? They are not independent. 11 MR YK CHAN: I would say, yes, they are not independent, 12 between those two parties, but I think we can further 13 look into the membership of this group and see whether 14 it is possible to bring in independent opinions into the 15 group, to provide independent opinions on the operations 16 and running of this group. 17 CHAIRMAN: Who do you have in mind? 18 MR YK CHAN: I don't have anybody yet, but we certainly will 19 look into this. 20 MEMBER LO: I was talking about the Road Safety Council 21 people. 22 MR YK CHAN: We certainly would welcome. 23 CHAIRMAN: You would regard them as being independent, if 24 they were members of this permanent working group forum, 25 that would give an element of independence; do you</p>	<p style="text-align: right;">Page 180</p> <p>1 MEMBER AUYEUNG: We heard from the commissioner this morning 2 that there are about four units responsible for safety 3 jointly. But how often do those units meet? Do they 4 meet regularly, like monthly, to discuss safety issues? 5 MR YK CHAN: At the moment, there is no set regular meeting 6 between these units, but certainly, particularly in the 7 backdrop of we are going to sort of create a new forum 8 to take forward the bus safety issues, and obviously all 9 these units will be sort of involved, and perhaps under 10 this forum we will sort of have to internally arrange 11 regular meetings to discuss and take forward 12 initiatives, bring to the Transport Department's notice. 13 MEMBER AUYEUNG: Thank you. 14 MEMBER LO: May I ask a question? 15 CHAIRMAN: Please, Professor. 16 MEMBER LO: I try to explore a little bit more about the 17 Road Safety Council. So how does that work with the TD 18 and the police? Is that sort of like an independent 19 body to look after safety? Has it served an independent 20 role already? I'm trying to understand the working 21 relationship between Road Safety Council, the TD, the 22 police, and also a Road Safety Research Committee which 23 is part of the Road Safety Council -- how would these 24 four entities work together to promote or to look at 25 safety?</p>

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<p>1 MR YK CHAN: On this question, may I invite Mr Yau to talk 2 about it?</p> <p>3 CHAIRMAN: Yes, please.</p> <p>4 MR TONY YAU: Thank you, Chairman. The Road Safety Council 5 combines a representative from different departments or 6 bureaus, and also from outside official members, such as 7 motorist associations, Institute of Logistics and 8 Transport, Hong Kong Medical Association and Hong Kong 9 Road Safety Association, IT fields and insurance.</p> <p>10 So the Road Safety Council is an independent body, 11 and under the Road Safety Council we have two 12 subcommittees. The first one is the Road Safety 13 Research Committee -- Prof Lo, you are one of our 14 members -- and the second one is the Road Safety 15 Campaign Committee. The Road Safety Research Committee, 16 that means if we have some new initiative under the road 17 safety, no matter if the initiative it related to 18 vehicle safety, road safety or other new issues, it 19 would be discussed in the Road Safety Research 20 Committee.</p> <p>21 In the Road Safety Research Committee, we have 22 academics from different universities, and also some 23 members from other relevant road safety associations.</p> <p>24 For the Road Safety Campaign Committee, it mainly 25 focuses on publicity and education. Under Road Safety</p>	<p>1 any trend of accidents or any common contributory 2 factors noted in our analysis.</p> <p>3 Because the Road Safety Council consists of members 4 from our bureau, the police and other external bodies, 5 so if they have any comments or suggestions, any 6 initiative to enhance or any policy to enhance bus 7 safety, they will be discussed in the Road Safety 8 Council, and the members under the council would follow 9 up on the ideas raised in the council.</p> <p>10 CHAIRMAN: Does the Road Safety Council make recommendations 11 specifically relevant to enhancing franchised bus 12 safety?</p> <p>13 MR TONY YAU: In recent few years, they do not have any 14 particular recommendations.</p> <p>15 CHAIRMAN: Has it ever made a recommendation about enhancing 16 franchised bus safety?</p> <p>17 MR TONY YAU: I think, because the recommendation may 18 involve legislation, enforcement as well as publicity, 19 although to my memory there's no specific comment or 20 suggestions about the legislation, but on the 21 enforcement as well as the publicity there are some 22 suggestions to enhance the bus safety.</p> <p>23 CHAIRMAN: Can you provide us with some examples of that, 24 where a recommendation has been made?</p> <p>25 MR TONY YAU: For example, I remember that we identified the</p>
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<p>1 Council, we have a quarterly meeting for each council 2 and each subcommittee. In the Road Safety Council, the 3 TD will report the quarterly accident record to the 4 council members, and the accident record will include 5 bus accident record. So members of the council will 6 offer their comments on the bus safety performance.</p> <p>7 CHAIRMAN: And whose statistics are these for franchised bus 8 accident records?</p> <p>9 MR TONY YAU: Similar to other accident records, we retrieve 10 the data from the police system and then do our 11 analysis --</p> <p>12 CHAIRMAN: So it's based on the police primary data, is it?</p> <p>13 MR TONY YAU: Yes.</p> <p>14 CHAIRMAN: And you collate and analyse that?</p> <p>15 MR TONY YAU: Yes.</p> <p>16 CHAIRMAN: Who does that?</p> <p>17 MR TONY YAU: My office, TD, Transport Department, and we 18 report to the council members the safety performance, 19 the trends, or any observations.</p> <p>20 CHAIRMAN: Can I ask you to speak into the microphone more 21 closely.</p> <p>22 Yes, so based on police records which your Transport 23 Department collate and analyse?</p> <p>24 MR TONY YAU: Yes. Then we report the safety performance to 25 the council members, report any observation we identify,</p>	<p>1 trend of accidents, for example, the passenger lost 2 balance, and then the publicity we propose in the Road 3 Safety Council is focused on alerting passengers to hold 4 the handrail firmly. That's one example.</p> <p>5 CHAIRMAN: I had more in mind recommendations relating to 6 perhaps the design of buses, the safety devices, seat 7 belts. Has the council ever made those kinds of 8 recommendations?</p> <p>9 MR TONY YAU: No. I think why there's no recommendation 10 from the Road Safety Council is, over the past few 11 years, the overall accident numbers remained stable for 12 the franchised bus.</p> <p>13 CHAIRMAN: Isn't that all the more reason to make 14 recommendations, if the accident rate is not dropping? 15 Isn't that a reason to make recommendations? That seems 16 to be the driving force in London, to get the accident 17 rate down. They have a goal. I think they call it 18 zero, goal zero or some phrase like that. So, if the 19 accident rates are not dropping, why aren't 20 recommendations being made?</p> <p>21 MR TONY YAU: Yes. We have also the target in the Road 22 Safety Council -- we are also discussing any plan to 23 lower the accident rate. But we are not talking about 24 lowering the accident rate for franchised bus. We are 25 talking about lowering the accident rate of the whole --</p>

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<p>1 all the transport.</p> <p>2 CHAIRMAN: Is the reality that this council makes no</p> <p>3 recommendations that are directly relevant to franchised</p> <p>4 bus safety, apart from holding onto the handrail?</p> <p>5 MR TONY YAU: As I mentioned, this is one of the examples of</p> <p>6 publicity. The Road Safety Council has recommended</p> <p>7 enhanced publicity, and also, for enforcement, the Road</p> <p>8 Safety Council also recommend the police to do</p> <p>9 enforcement.</p> <p>10 CHAIRMAN: Enforcement of what?</p> <p>11 MR TONY YAU: Such as illegal parking at bus stops, because</p> <p>12 it will affect the operation of the bus as well as --</p> <p>13 CHAIRMAN: Yes. When was that recommendation made?</p> <p>14 MR TONY YAU: I have to check the records.</p> <p>15 CHAIRMAN: Can you provide that information to us? Because</p> <p>16 that is a subject that has been a constant refrain of</p> <p>17 bus companies, in particular KMB, and of the trade</p> <p>18 unions, the drivers, that there is an ongoing problem,</p> <p>19 not solved, not really addressed. I think they might</p> <p>20 say the police are not really interested.</p> <p>21 MR TONY YAU: Because each year the police, in the Road</p> <p>22 Safety Council, they will consult on their STEP</p> <p>23 programme, the selective traffic enforcement programme,</p> <p>24 and, in the STEP, there's selective enforcement about</p> <p>25 the illegal parking.</p>	<p>1 For this, the Transport Department actually is</p> <p>2 taking active action, has been taking active action, to</p> <p>3 push -- not push -- to request the police to take</p> <p>4 enforcement action, and we do receive specific requests</p> <p>5 from bus companies and then we refer them to them, and</p> <p>6 also we follow up whether they have done it or not.</p> <p>7 So it would be fair to say that operational problem</p> <p>8 like this will be sort of more or less undertaken by the</p> <p>9 Transport Department rather than by the Road Safety</p> <p>10 Council.</p> <p>11 CHAIRMAN: Yes. We've encountered your efforts in that</p> <p>12 respect. We've been provided with correspondence, and</p> <p>13 so on. We've heard from the police about it as well.</p> <p>14 MR YK CHAN: We can find out some sample of it.</p> <p>15 CHAIRMAN: All that I was trying to do was to find out what</p> <p>16 it is that the Road Safety Council does that is relevant</p> <p>17 to enhancing safety on franchised buses.</p> <p>18 But we have reached the end of our day. Thank you,</p> <p>19 ladies and gentlemen, for your assistance today. There</p> <p>20 are quite a number of documents that we will be asking</p> <p>21 you to provide before we sit on Saturday, but we are now</p> <p>22 going to adjourn until Saturday.</p> <p>23 What time are we sitting on Saturday?</p> <p>24 MR DEREK CHAN: I understand we are starting at 10 o'clock,</p> <p>25 Mr Chairman.</p>
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<p>1 CHAIRMAN: Please provide documents that show this</p> <p>2 recommendation that the police enforce the law about</p> <p>3 illegal stopping at bus stops.</p> <p>4 MR TONY YAU: I will check. I am not sure whether it is</p> <p>5 particular for bus stops or in general the illegal</p> <p>6 parking.</p> <p>7 CHAIRMAN: I'm sorry?</p> <p>8 MR TONY YAU: I have to check the record, to check if the</p> <p>9 illegal parking is focused on bus stops or any location</p> <p>10 on road carriageway that affects road safety.</p> <p>11 CHAIRMAN: Well, any recommendation of either of those</p> <p>12 areas, please provide us a copy of the document.</p> <p>13 MR TONY YAU: Yes.</p> <p>14 CHAIRMAN: Yes, Mr Chan.</p> <p>15 MR DEREK CHAN: Mr Chairman, I was about to move on to the</p> <p>16 topic of seat belts, but I see the time.</p> <p>17 CHAIRMAN: Yes. That's obviously an appropriate moment.</p> <p>18 But, Mr Chan, if there's something you wish to say,</p> <p>19 please do so.</p> <p>20 MR YK CHAN: Thank you, Chairman. Talking about the</p> <p>21 enforcement of illegal parking at bus stops, I believe</p> <p>22 it is not the mainstream work of the Road Safety</p> <p>23 Council. Actually, this is a subject, as you have</p> <p>24 rightly pointed out, that the unions and the bus</p> <p>25 companies mention; this is a common problem.</p>	<p>1 CHAIRMAN: So we will adjourn then until 10 o'clock on</p> <p>2 Saturday. Thank you very much.</p> <p>3 (5.31 pm)</p> <p>4 (The hearing adjourned until 10.00 am</p> <p>5 on Saturday, 6 October 2018)</p> <p>6</p> <p>7</p> <p>8</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>

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