



Page 5	Page 7
<p>1 objection to the suggested changes and would like to 2 gather more feedback from operators." 3 So it would appear from this minute that 0.4G was 4 something that was selected by Citybus; would that be 5 a correct reading? 6 MR YK CHAN: Can you hear? 7 CHAIRMAN: Yes, we can. 8 MR YK CHAN: I understand that the subject was discussed in 9 2005. Possibly, it was arising from a request from 10 Citybus, to see whether the triggering point should be 11 varied because of the 0.2G deceleration. 12 CHAIRMAN: So the answer is "yes"? 13 MR YK CHAN: Yes. 14 CHAIRMAN: It's Citybus' idea. Try to use "yes" or "no" if 15 you can -- by all means explain afterwards. But the 16 answer is "yes"? 17 MR YK CHAN: Yes. 18 CHAIRMAN: Mr Chan. 19 MR DEREK CHAN: If you go to the next document, annex C2, 20 you have an email more than a year later, on 21 19 September 2006, attaching the proposed requirements 22 for the black box to be installed. And over the page, 23 we see a draft requirement and in a table in the middle 24 of the page we can see 0.4G being referred to in item 2 25 and item 4. So that's the position as at September</p>	<p>1 English, so, for the purposes of the record, the first 2 line is the sender. 3 CHAIRMAN: I can work that out myself, but it's important 4 that it's in the record because otherwise, when one 5 reads this later, it needs more explanation. 6 MR DEREK CHAN: Certainly, Mr Chairman. 7 The next document is annex C3, which takes us to 8 28 March 2007. I hope you have before you the minutes 9 of the 28th joint meeting between the Transport 10 Department and franchised bus companies. 11 On the first page, you can see that those present 12 from the Transport Department and also representatives 13 of the franchised bus companies were also present, with 14 their names redacted on the version that we have. 15 Can I then take you over the page to paragraph 5, 16 which is the only passage on the black box. Under the 17 heading, "black box data box data recording device", it 18 is recorded that: 19 "The Transport Department advised that the 20 functional requirements and specification of the 21 electronic data recording device had been finalised and 22 all bus operators would be updated in due course." 23 So that was the position as at March 2007. 24 Then the next document, annex C4, is an email dated 25 5 October 2007, which attaches the black box</p>
Page 6	Page 8
<p>1 2006. 2 Can I then move on to the next -- 3 CHAIRMAN: Just for the purposes of the record, because 4 things have been redacted, who was the sender of this 5 information and to whom was it sent? Perhaps, Mr Chan, 6 you can deal with that. 7 MR DEREK CHAN: Yes, Mr Chairman. 8 It appears from the first page of annex C2 that the 9 email was sent by a Mr Walter Foo of the Transport 10 Department; is that a correct reading of the document? 11 MR YK CHAN: May I invite Chief Engineer Shum to reply to 12 this question? 13 MR DEREK CHAN: Yes. 14 MR WILLIAM SHUM: The email is sent by Mr Walter Foo who is 15 one of the engineers of the Transport Department at that 16 moment. 17 MR DEREK CHAN: And it looks like, from what is left 18 unredacted from the recipients of the email, that the 19 email was sent to the franchised bus operators; would 20 that be a correct reading of the email? 21 MR WILLIAM SHUM: Yes. All the recipients are the staff in 22 various franchise operators, even those which are fully 23 redacted. 24 MR DEREK CHAN: Mr Chairman, my apologies. I didn't notice 25 that the letters on the left were not translated in</p>	<p>1 specification. Again, can you just confirm that the 2 email was sent by a Mr Steven Tse and he is a colleague 3 of yours in the Transport Department? 4 MR WILLIAM SHUM: Yes. 5 MR DEREK CHAN: And the recipients, can you tell us who they 6 are? Because I only see a reference to KMB and Citybus. 7 MR WILLIAM SHUM: All the distribution, even in the redacted 8 parts, are the staff of all the franchised bus 9 operators. 10 CHAIRMAN: Why have they been redacted? 11 MR WILLIAM SHUM: Because the email contains the names of 12 the staff. That's why we redacted those, the name of 13 the staff of the franchise operators. 14 CHAIRMAN: Why do you do that? What's so offensive about 15 someone's name being there? Is this compliance with 16 data protection? Is it really? 17 MS MABLE CHAN: Chairman, I think, when the staff redacted 18 in the preparation of the response yesterday, I think 19 they may not have the time to seek the consent of the 20 relevant staff. We can certainly -- 21 CHAIRMAN: So the answer is "yes"? 22 MS MABLE CHAN: Yes. 23 CHAIRMAN: This is because you are concerned about data 24 protection? 25 MS MABLE CHAN: Yes.</p>

Page 9	Page 11
<p>1 CHAIRMAN: That's an extraordinary spanner to throw in the 2 works of perfectly ordinary correspondence, is it not? 3 MS MABLE CHAN: We are working on a more prudent basis. 4 Thank you, Chairman. 5 CHAIRMAN: I'm not criticising you. It may be the 6 unintended effects of this legislation. 7 MR DEREK CHAN: Can I then go to the second page of annex 8 C4, which contains what I understand to be the finalised 9 black box requirement, after what appears to be two 10 years of discussions. Would that be a correct 11 understanding? 12 MR WILLIAM SHUM: Yes. 13 MR DEREK CHAN: So that's the process by which the black box 14 requirement was changed. 15 Next, I want to go into the rationale of using -- 16 CHAIRMAN: Before you do that -- why did this change, if 17 that's what it was, not find its way into the document 18 that was issued -- a document of the type that was 19 issued in August 2018? Why was there a 12-year delay 20 before it found its way into that format? 21 MR YK CHAN: Chairman, on Thursday I mentioned already that 22 the process of discussion and eventual change of this 23 deceleration force took place between 2005-2007, and 24 I think at that time the staff of the Transport 25 Department actually recognised that the change -- the</p>	<p>1 reading, at page 53 there were discussions about why 2 0.4G deceleration was chosen, and can I pick it up at 3 page 54, line 4, where Mr Chairman asked the question: 4 "Give us a real example; what does it mean?" 5 Mr Chan said this: 6 "No, the definition of this one is actually -- what 7 it demonstrates is a deceleration force of 3.92 metres 8 per second, which would be experienced by a passenger 9 sitting on a seat would fall off the seat. So this is 10 sort of a braking force that is large enough or 11 deceleration force large enough to cause a passenger who 12 normally sits on a seat and fall off. So this is a 13 requirement specified in this equipment. 14 Chairman: So a passenger seated but without a seat 15 belt would fall off a seat at this level of 16 deceleration? 17 Mr Chan: Fall off the seat -- well, now, to put it 18 more technically, there was no dislodgement of passenger 19 from the seat in more than 95 per cent of the sample 20 cases. So this is a probability of 95 per cent of the 21 passengers would probably fall off the seat without 22 a seat belt, if a retardation force of 0.4G is applied 23 on the bus suddenly." 24 So that's the first part I want to take you to. 25 CHAIRMAN: Before we move on, which is it, no dislodgement</p>
Page 10	Page 12
<p>1 new deceleration attributes have been taken on board, 2 but -- 3 CHAIRMAN: No. Please answer the question: why was there 4 a delay of 12 years before it was put into the format 5 that we now have, August 2018? That is the question, 6 nothing else. 7 MR YK CHAN: I would say that the staff of the Transport 8 Department at the time did not take the trouble or 9 omitted to change these parameters in the specification. 10 CHAIRMAN: So it ought to have been done but it wasn't; is 11 that it? 12 MR YK CHAN: In hindsight, we believe we should have done it 13 earlier. 14 CHAIRMAN: Yes. Thank you. 15 Mr Chan. 16 MR DEREK CHAN: Thank you, Mr Chairman. 17 I want to now move to the rationale of using 0.4G as 18 the threshold. We discussed this on Thursday afternoon. 19 I'm going to start by reminding you of the evidence 20 given on Thursday and then go to the new materials to 21 seek your observations or comments on them. 22 Can I first take you to the transcript of Thursday's 23 hearing, which is Day 19, 4 October 2018, starting 24 firstly at page 54. 25 Just to give context to the passage I will be</p>	<p>1 of 95 per cent, or a possibility that 95 per cent would 2 fall off? They are contradictory, aren't they? 3 MR YK CHAN: I think I would clarify this point. It is the 4 probability of -- 95 per cent of the probability of 5 passengers would not be dislodged from the seat. 6 CHAIRMAN: Would not? 7 MR YK CHAN: Would not. 8 MR DEREK CHAN: That figure of 95 per cent is something I am 9 going to take up with you in the article that you 10 provided to us. 11 CHAIRMAN: So 95 per cent of passengers seated but without 12 a seat belt would not be dislodged from their seat by 13 0.4G deceleration? 14 MR YK CHAN: That's correct. 15 CHAIRMAN: Thank you. 16 MR DEREK CHAN: Still on the same issue, can I move forward 17 a little bit in the transcript to page 61, and pick it 18 up at line 3. The question from Mr Chairman was this: 19 "Can you answer this question: why was it changed 20 from 0.2 to 0.4? 21 Mr Chan: The reason is that in 2006, when we 22 discussed with the operators on this minimum 23 specification, actually when we have meeting with them 24 and assessing the performance of the requirement, it was 25 come out that because the 0.2 really is a very, very,</p>

Page 13	Page 15
<p>1 very light deceleration force which will come up very, 2 very frequently and doesn't provide any meaningful 3 indication for monitoring purpose, and at that time we 4 have discussed with the operators and agreed at meetings 5 that the 0.2G version was changed to 0.4, but 6 unfortunately, at that time, the number hadn't been 7 changed in the specification, so this time we take the 8 opportunity to update it." 9 So there's a reference there -- the point that 10 I want to take from that is the operators are saying, 11 "Look, 0.2 is too low; you get a lot of hits coming up." 12 Page 62, I'm going to read it from line 8, it's the 13 question from Mr Chairman: 14 "This reference that you made to 95 per cent of 15 people fall off the seat at 0.4G deceleration, is that 16 a study that someone has conducted? 17 Mr Chan: From our search, it was a study conducted 18 by the US Department of Transportation in 1977. 19 Chairman: Can you give us the details of that? Do 20 you have that paper? 21 Mr Chan: We can provide it later." 22 Just pausing here, that has now been provided by the 23 Transport Department at annex D of the materials 24 provided to us yesterday evening. I'm going to go to 25 that next, but can I just finish off reading the rest of</p>	<p>1 carrying their packages and walk around when the bus is 2 moving, then that's another matter." 3 The point I wish to pick up when I go to the study 4 is the 0.4G and 95 per cent issue and secondly, whether 5 there is any scientific data for standing passengers. 6 For that, can I take you to annex D of the materials 7 provided yesterday. 8 Excuse me, Mr Chairman, I will just get the page 9 reference. 10 CHAIRMAN: Yes. 11 MR DEREK CHAN: For the record, it's TD-5, page 1862. 12 CHAIRMAN: Thank you. 13 MR DEREK CHAN: Mr Chairman, I will be working off the 14 internal pagination. 15 CHAIRMAN: As always, so am I. 16 MR DEREK CHAN: Mr Chan, can I first take you to the 17 introduction to this paper, at page 9 of 28 in the top 18 right-hand corner. 19 CHAIRMAN: Can you supply a paginated number for that, for 20 future use? 21 MR DEREK CHAN: Yes. The bundle pagination is page 1870, in 22 bundle TD-5. 23 CHAIRMAN: Thank you. 24 MR DEREK CHAN: If I can just read the first two paragraphs 25 of this introduction:</p>
Page 14	Page 16
<p>1 the transcript, because it's relevant to the point that 2 I wish to take you to in the discussion paper. I will 3 pick it up again at line 16, where my question was: 4 "Does the study that you refer to include the 5 probabilities of standing passengers losing their 6 balance at 0.2 versus 0.4G? 7 Mr Chan: Unfortunately, there is no reference made 8 to the standing passengers, because for sitting 9 passenger you have a proper seat and people will sit in 10 a prescribed, defined area, but for people standing, 11 that is another matter, because how people stand is 12 really -- there's not much control and also there's no 13 set form of standing. So, from that, we don't have any 14 sort of equivalent deceleration force applied make 15 reference to standing passengers. 16 Chairman: Yes, but we can readily infer by using 17 common sense that they would all be on the floor, 18 wouldn't they, if not through the front of the bus? 19 Mr Chan: Yes and no. Because it really depends on 20 how people stand, and we actually specify in the buses 21 there are lots of devices to facilitate standing 22 passengers, holding bars and grips, and if people are 23 doing the right thing when standing then I think the 24 chance of falling down may not be as severe. But of 25 course we understand people, they come on the bus</p>	<p>1 "Very little experimental research has been 2 performed on the effects of deceleration on seated users 3 of ground transportation. Of this limited research, 4 only two previous studies have used live human subjects. 5 In studies aimed at developing specifications for street 6 railways (trolley cars), Hirshfield accelerated standing 7 subjects at constant jerk rates of between 1 and 10 g 8 per second. Participating subjects ranged from 11 to 9 78 years, 39 (87) to 107 g (235 pounds), and 132 (4 feet 10 4 inches) to 193 centimetres (6 feet 4 inches) in 11 height. In the study, the foot movement accompanying 12 loss of balance resulted in the opening of a sensor 13 switch. Loss of balance occurred at 0.16 g for both 14 forward-facing, unsupported males wearing low-heeled 15 shoes and forward-facing, unsupported females in high 16 heels. Loss of balance occurred at 0.23 g for subjects 17 holding an overhead strap, and at 0.27 g for subjects 18 holding a vertical stanchion. 19 The second study, by Browning, also measured only 20 standees. Ninety subjects ranging from 15 to 65 years 21 participated. Subjects could face either forward or 22 backward and use a handrail if they so desired. 23 Observer ratings of movement indicated that subjects 24 reacted equally to acceleration (facing forward) or 25 deceleration (facing backward). Ratings of 'slight</p>

Page 17	<p>1 relative movement' occurred at 0.055 g for unsupported 2 subjects and at 0.115 g for subjects holding the 3 handrail. Safe emergency deceleration in excess of 4 0.2 g were postulated for seated subjects." 5 So it would appear from this that there were studies 6 done even before 1977 on the effects of acceleration or 7 deceleration on standing passengers. Would that be 8 a fair observation, Mr Chan? 9 MR YK CHAN: Well, this is a short introduction provided in 10 the report in giving a summary of what the author would 11 observe, for which we don't have full access to the 12 details of those studies. So, yes, as quoted in the 13 paper, there were studies -- 14 CHAIRMAN: But this is an academic paper. 15 MR YK CHAN: Yes. 16 CHAIRMAN: And of course there is a list of references, and 17 if we go to page 19 of 20, or 27 of 28, we see the 18 Hirshfield paper, do we not, item 1, "Disturbing Effects 19 of Horizontal Acceleration. Electrical Railway 20 Presidents' Conference Committee, September 1932". 21 MR YK CHAN: Yes, there were previous studies. 22 CHAIRMAN: And we have the Browning report. The Browning 23 report is October 1972, and it comes from the "Royal 24 Aircraft Establishment, Technical Report, Farnborough" 25 in the United Kingdom. So both reports are identified.</p>	Page 19	<p>1 observation, would be more difficult -- well, since they 2 are seated in confined, proper seating, it would be more 3 difficult for them to dislodge, and if we can use the 4 black box to measure the deceleration, which is -- we 5 suppose it is the higher forces that enable to dislodge 6 passengers from the seats, and this is the more serious 7 incidents that we would like to look at. 8 CHAIRMAN: So what are you saying, that standees being 9 thrown to the floor is less serious? 10 MR YK CHAN: Not at all, but I would invite Mr Shum to 11 supplement further technical points. 12 CHAIRMAN: Yes, probably a good idea. 13 MR WILLIAM SHUM: One of the considerations is that for the 14 seated passengers we seldom ask them to hold the 15 handrail tightly, and we had a series of publicity 16 advising standing passengers to hold the handrail or the 17 other parts firmly when they are standing inside the 18 bus. That is one of the considerations we believe to be 19 taken into account when considering revising the 20 deceleration rate from 0.2G to 0.4G. 21 CHAIRMAN: To be fair to you, you weren't involved in this 22 decision, were you, in 2005-2007; is that right? 23 MR WILLIAM SHUM: No -- yeah, I am not involved in the 24 discussion at that moment. 25 CHAIRMAN: Do you have any more information than we have</p>
Page 18	<p>1 The provenance of the statistics is clear. 2 Yes, Mr Chan. 3 MR DEREK CHAN: At this stage, I'm going to go further to 4 another part of the discussion paper, but at this stage 5 can I ask this question. Were these papers or studies 6 considered by the Transport Department when they agreed 7 to use 0.4G acceleration as the threshold? 8 MR YK CHAN: As far as I understand, these papers were not 9 considered at the time when we considered to change the 10 threshold. 11 CHAIRMAN: So are you saying that no regard was had to the 12 effects of different levels of deceleration on standees, 13 but regard was had only to seated persons? Is that what 14 you are saying? 15 MR YK CHAN: Yes. 16 CHAIRMAN: Thank you. Why? 17 MR YK CHAN: The parameter adopted in this specification is 18 the specification for the bus operators to develop their 19 black box. At that time, we believed the sitting 20 passengers -- the black box should be able to measure 21 deceleration that affects passengers who are seated in 22 the buses and those who are most secure. 23 CHAIRMAN: But why not consider the standees, who are going 24 to be affected by lower levels of deceleration? 25 MR YK CHAN: Well, the passengers sitting on the seat, from</p>	Page 20	<p>1 here as to why this change was made, to help you answer 2 these rather obvious questions? 3 MR WILLIAM SHUM: No, sorry. We don't have that. 4 CHAIRMAN: So you are doing the best you can to produce 5 ex post facto rationalisation for the change; is that 6 it? 7 MR WILLIAM SHUM: Yes. 8 CHAIRMAN: Thank you. 9 MR DEREK CHAN: Just to round up this point, can I take you 10 to another passage at page 26 of 28 of the same 11 document. That's TD-5, page 1887. 12 Again, I will just read from the first and second 13 paragraphs: 14 "The goals of this study were both to provide data 15 to understand the influence of various parameters on 16 seated passengers during emergency stops, and to obtain 17 initial estimates of the emergency decelerations to be 18 specified for transit systems. 19 These data indicate that seated passengers can 20 safely experience deceleration levels about twice those 21 reported for standees. A conservative estimate of the 22 emergency deceleration to be specified in the design of 23 transit systems at which 84 per cent of the occupants of 24 an untitled forward-facing standard transit seat will 25 remain securely in the seat is 0.47 g. To insure</p>

Page 21	Page 23
<p>1 retention of 84 per cent of the occupants of 2 a side-facing seat, the best estimate is 0.41 g. And, 3 for a seat tilted back 5 degrees (facing forward), the 4 best estimate is 0.52 g."</p> <p>5 Mr Chan, there's a reference to 84 per cent of the 6 occupants in an untilted forward-facing seat. What 7 I can't find is a reference to 95 per cent. It may be 8 that I have missed something. Can you perhaps direct me 9 to the part where the 95 per cent comes from?</p> <p>10 MR YK CHAN: I will invite Mr Shum to reply to this 11 question.</p> <p>12 MR WILLIAM SHUM: In the "Discussion" section, the 13 0.41 deceleration rate is referring to the side-facing, 14 and for what we are referring to, can I bring you to 15 page 11 of this paper.</p> <p>16 CHAIRMAN: Are you taking the numbers from the top or the 17 bottom? Because there's a difference.</p> <p>18 MR WILLIAM SHUM: That's the page with three graphs.</p> <p>19 CHAIRMAN: But there are two sets of numbers. One appears 20 at the top, and it says, for example, "26 of 28", but 21 when you look at the bottom, it says "18". So which 22 numbers are you taking?</p> <p>23 MR WILLIAM SHUM: The page number is --</p> <p>24 MS MABLE CHAN: The bottom.</p> <p>25 CHAIRMAN: Thank you. So page 11.</p>	<p>1 the passages I just read out, including the passages 2 read out in the introduction part -- it would appear 3 that standing passengers holding onto fixed supports, 4 such as overhead straps or vertical bars, would lose 5 their balance at deceleration values of 0.23G or 0.27G. 6 Do you agree with this observation on what appears in 7 the "Introduction" part of this paper?</p> <p>8 CHAIRMAN: Those are the results of the Hirshfield study, 9 1932.</p> <p>10 MR WILLIAM SHUM: Yes.</p> <p>11 MR DEREK CHAN: So, on the face of the figures put forward 12 in this study, it would appear that the selection of 13 a deceleration threshold of 0.4G would adequately look 14 after the interests of the sitting passengers but not 15 the interests of the standing passengers. Do you have 16 any observations to this suggestion?</p> <p>17 MR WILLIAM SHUM: Yes.</p> <p>18 MR DEREK CHAN: So does the Transport Department consider 19 that more careful and scientific analysis ought to be 20 conducted on whether the 0.4G threshold sufficiently 21 protects the safety of standing passengers?</p> <p>22 MR YK CHAN: Yes. I think we can do more to study, to find 23 out how the various deceleration force could have 24 an effect on various types of passengers such as those 25 standing and sitting.</p>
Page 22	Page 24
<p>1 MR WILLIAM SHUM: Yes. Here is the top-most graph. In this 2 top-most graph, there is the wording "95 per cent 3 retention". Yes, this one.</p> <p>4 MR DEREK CHAN: Is that the one at 0.42G?</p> <p>5 MR WILLIAM SHUM: Yes, referring to 0.42G. You can also 6 notice in the X axis, there is an item, a figure, 0.4G. 7 Yes, this one.</p> <p>8 MR DEREK CHAN: So, if I understand the graph correctly, at 9 0.4G, 95 per cent of the seated passengers would not be 10 dislodged; is that correct?</p> <p>11 MR WILLIAM SHUM: Yes.</p> <p>12 CHAIRMAN: It's more than 95 per cent, isn't it, on the 13 graph?</p> <p>14 MR WILLIAM SHUM: Yes.</p> <p>15 CHAIRMAN: So what is it? 98, something like that?</p> <p>16 MR WILLIAM SHUM: We can't have an estimate. That's why we 17 quote more than 95 per cent of the sampled case would 18 not be dislodged under the 0.4G deceleration.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MR DEREK CHAN: In the "Discussion" passage that I just read 21 out previously, there was also a reference to the data 22 indicating that seated passengers can safely experience 23 deceleration levels about twice those reported for 24 standees.</p> <p>25 So it would appear, on the face of this study, in</p>	<p>1 CHAIRMAN: The papers that we've been looking at were 1977, 2 1972 and 1932. Have you looked for papers more recently 3 than that, academic technical research into this issue, 4 in the last 50 years?</p> <p>5 MR YK CHAN: That's what we have been trying to do and --</p> <p>6 CHAIRMAN: You've tried to do that?</p> <p>7 MR YK CHAN: We have tried.</p> <p>8 CHAIRMAN: With what success?</p> <p>9 MR YK CHAN: Not much success. This is the paper that we 10 can find out.</p> <p>11 CHAIRMAN: Again, you were somebody not involved at the time 12 that this was discussed; is that right?</p> <p>13 MR YK CHAN: Correct.</p> <p>14 CHAIRMAN: So when was this attempt made to look for more 15 recent studies?</p> <p>16 MR YK CHAN: In the last couple of weeks.</p> <p>17 CHAIRMAN: Can you help us as to where you were looking? 18 Who did you contact?</p> <p>19 MR YK CHAN: We have our engineers to do the internet search 20 and also dig out from our files and documents to see 21 whether there actually was any material reference that 22 we can make in regard to the study of this subject. So 23 far, our searches on the internet and also other sources 24 have not been very successful.</p> <p>25 CHAIRMAN: So internet searches, your own records, and what</p>

Page 25	Page 27
<p>1 else?</p> <p>2 MR WILLIAM SHUM: That's the only two ways.</p> <p>3 CHAIRMAN: Have you contacted the excellent local</p> <p>4 universities, their departments of engineering,</p> <p>5 Hong Kong University of Science and Technology, that is</p> <p>6 Prof Lo's university?</p> <p>7 MR WILLIAM SHUM: In the past few weeks, we haven't done</p> <p>8 that.</p> <p>9 CHAIRMAN: Thank you.</p> <p>10 MR DEREK CHAN: Mr Chairman, I will move on to the next</p> <p>11 topic, of seat belts.</p> <p>12 CHAIRMAN: Please do.</p> <p>13 MR DEREK CHAN: Ms Chan, I rather assumed that you will be</p> <p>14 dealing with this, so I will be addressing you, but if</p> <p>15 you feel other colleagues are more suited to answer,</p> <p>16 please indicate.</p> <p>17 Can I first pick up the seat belt topic from the</p> <p>18 working group's full report, because the issue of seat</p> <p>19 belts was dealt with extensively in that report. Again,</p> <p>20 for the purposes of the record, the full report begins</p> <p>21 at TD-5, page 1757, and I would invite that attention be</p> <p>22 drawn to section 3 of that report, which deals with the</p> <p>23 issue of seat belts.</p> <p>24 I would like to start this topic by first looking at</p> <p>25 the position in other jurisdictions, firstly, and</p>	<p>1 authorities of those jurisdictions, the urban buses are</p> <p>2 typically used for short journeys, in terms of both time</p> <p>3 and distance, and undertaken at moderate speeds on urban</p> <p>4 routes. Thus, no seat belt requirement for passenger</p> <p>5 seats on these urban buses has been imposed. A summary</p> <p>6 of the findings is at the appendix IV."</p> <p>7 And appendix IV is page 1809 in the bundle.</p> <p>8 Mr Chairman, I think page 1809 simply sets out what had</p> <p>9 been described in the paragraph that I just read</p> <p>10 already.</p> <p>11 CHAIRMAN: Yes, I have it in front of me.</p> <p>12 MR DEREK CHAN: So, for urban buses with standing</p> <p>13 passengers, there is no seat belt requirement in those</p> <p>14 jurisdictions reviewed.</p> <p>15 Just one minor matter of clarification. When was</p> <p>16 this review conducted in the context of this working</p> <p>17 group report? Would it be in the course of 2018 or</p> <p>18 before that?</p> <p>19 MS MABLE CHAN: The review is conducted in 2018, in</p> <p>20 preparation and in the process of the discussion of the</p> <p>21 working group report.</p> <p>22 MR DEREK CHAN: Thank you. I ask that because a similar</p> <p>23 review was conducted in 2005-2007. Before I go to that,</p> <p>24 perhaps I will just round off this part by reading</p> <p>25 paragraph 3.12 of the report as well. Paragraph 3.12</p>
Page 26	Page 28
<p>1 secondly, what the Transport Department's historical</p> <p>2 position on this issue is. So, in respect of the</p> <p>3 overseas jurisdictions, can I first take you to</p> <p>4 paragraph 3.11 of this full report.</p> <p>5 CHAIRMAN: Is there a paginated number for this page?</p> <p>6 MR DEREK CHAN: Yes, Mr Chairman, the internal pagination is</p> <p>7 page 28, the bundle reference is TD-5, page 1788.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MR DEREK CHAN: Again, I will just read out paragraphs 3.11</p> <p>10 and 3.12. At 3.11, the report says this:</p> <p>11 "Noting the divergent views of franchised bus</p> <p>12 operators, the working group has reviewed the prevailing</p> <p>13 overseas practices or requirements on the installation</p> <p>14 and wearing of seat belts on buses. Currently, for</p> <p>15 inter-city or cross-boundary routes, some overseas</p> <p>16 jurisdictions (for example United States, United Kingdom</p> <p>17 and Netherlands) have mandated the provision of seat</p> <p>18 belts for all passenger seats, while others (for example</p> <p>19 United Kingdom, Netherlands, and Australia (Victoria))</p> <p>20 have imposed mandatory requirement of wearing seat</p> <p>21 belts. Nevertheless, for the urban buses or buses</p> <p>22 allowed to carry standing passengers, none of the</p> <p>23 overseas jurisdictions that have been reviewed thus far</p> <p>24 have statutory requirements for the provision of seat</p> <p>25 belts on passenger seats. According to the transport</p>	<p>1 says this:</p> <p>2 "The above review findings were also echoed by the</p> <p>3 three bus manufacturers who advised that seat belts were</p> <p>4 not required for buses travelling in cities in other</p> <p>5 countries, and that in Europe, seat belts are only</p> <p>6 required for inter-city coach without standing</p> <p>7 passengers and passengers on city bus tend not to wear</p> <p>8 seat belt due to its short travelling time. They also</p> <p>9 opined that the retrofitting of seat belt in franchised</p> <p>10 buses of Hong Kong could not protect standing</p> <p>11 passengers."</p> <p>12 3.12, as I understand it, is a reference to the</p> <p>13 observations of the bus manufacturers that were</p> <p>14 expressed during the subgroup meetings of the working</p> <p>15 group that involved the bus manufacturers; is that</p> <p>16 correct?</p> <p>17 MS MABLE CHAN: Correct.</p> <p>18 MR DEREK CHAN: So, with the 2018 review in mind, can I then</p> <p>19 move back in time to a similar review conducted in</p> <p>20 2005-2007. With that, can I stay on the working group</p> <p>21 report and go to paragraph 3.2 to introduce that</p> <p>22 historical review, because it's referred to in the</p> <p>23 report. Paragraph 3.2, internal pagination page 23,</p> <p>24 bundle reference page 1783, says this:</p> <p>25 "The TD has made it a requirement to install seat</p>

Page 29	Page 31
<p>1 belts on selected seats in the light of accidents 2 involving franchised buses in 2006 and 2007. The 3 Transport Department recommended that the franchised bus 4 operators agreed in 2007 that seat belts should be 5 retrofitted at the four front seats on the upper deck of 6 all the post-1997 licensed buses to prevent passengers 7 from falling out from the upper deck front seats. We 8 have taken the opportunity in the 2012, 2015 and 2017 9 franchise negotiation exercises to make it a franchise 10 requirement for bus companies to install seat belts at 11 all exposed seats."</p> <p>12 So that's a summary of the review undertaken in 13 2006-2007. Again, can I go to one of those historical 14 documents in 2006 to illustrate the review undertaken 15 back then. For that, can I refer you to the bundle 16 SEC-1, page 266.</p> <p>17 At page 266, I hope you have before you a paper 18 prepared by the Transport Department for the Legislative 19 Council Panel On Transport, "Safety of Franchised Bus 20 Operations". You can see the date of the paper at 21 page 272, which is October 2006.</p> <p>22 Can I draw your attention directly to paragraph 19 23 at page 271, which appears in the section titled, "Seat 24 belt on Franchised Bus".</p> <p>25 Can I read directly paragraphs 19 and 20 for the</p>	<p>1 with standing passengers?</p> <p>2 MS MABLE CHAN: Yes. I would say that in the two rounds of 3 review, the overseas experiences and practices as 4 revealed from the review show that the overseas 5 jurisdictions' stance towards the installation of seat 6 belts remains largely the same.</p> <p>7 CHAIRMAN: There is reference in paragraph 19 to studies 8 conducted in Australia and Canada indicating that the 9 "additional safety benefit of installing seat belt on 10 all seats in a bus might not be as great as envisaged", 11 and then the second issue, "and that it is very 12 difficult to ensure that all passengers will use seat 13 belts".</p> <p>14 Can you give us references to these two studies, or 15 perhaps there are more, Australia and Canada?</p> <p>16 MS MABLE CHAN: I do not have the details of the references 17 of the studies with me now, but we can certainly provide 18 the reference afterwards.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 Do any of your representatives know to what studies 21 this is a reference? I know the Australians, 22 particularly New South Wales, have examined seat belts 23 on a number of occasions.</p> <p>24 MS MABLE CHAN: Yes.</p> <p>25 CHAIRMAN: And this is consistent with what they have had to</p>
Page 30	Page 32
<p>1 point of the overseas jurisdiction review conducted back 2 in that time. Paragraph 19:</p> <p>3 "We have conducted a research on overseas practices 4 regarding the fitting and wearing of seat belts in 5 buses. A summary of the corresponding seat belt 6 requirements is at annex."</p> <p>7 The annex is at page 273, but I will read on first: 8 "It can be seen that no overseas country requires 9 fitting of seat belts in passenger seats of buses 10 designed for urban use or for carrying standing 11 passengers. Studies conducted in Australia and Canada 12 indicated that the additional safety benefit of 13 installing seat belt on all seats in a bus might not be 14 as great as envisaged and that it is very difficult to 15 ensure that all passengers will use seat belts.</p> <p>16 In view of the above, we consider that it is not 17 appropriate to introduce mandatory requirements for 18 installation and wearing of passenger seat belts for 19 franchised buses. However, we will continue to work 20 with the franchised bus operators to identify measures 21 for better protection of passenger safety."</p> <p>22 So is it fair to say that the overseas jurisdictions 23 that the Transport Department have considered have not 24 changed their stance between 2006 and 2018 in respect of 25 not requiring seat belts to be installed on urban buses</p>	<p>1 say.</p> <p>2 MS MABLE CHAN: Yes.</p> <p>3 CHAIRMAN: No one can help us? But you can in due course?</p> <p>4 MS MABLE CHAN: We have those materials and the references, 5 but offhand we are not in a position to quote the 6 specific references.</p> <p>7 CHAIRMAN: No, but you will provide them in due course?</p> <p>8 MS MABLE CHAN: I will provide that, yes.</p> <p>9 CHAIRMAN: Thank you.</p> <p>10 MR DEREK CHAN: So, with that historical context in mind --</p> <p>11 MS MABLE CHAN: Sorry, Chairman, my colleague Mr Tony Yau 12 would like to add on the comparison of the stances of 13 the overseas jurisdictions. Perhaps I will invite him 14 to point out an observation in regard to the US.</p> <p>15 CHAIRMAN: Yes. Please do.</p> <p>16 MS MABLE CHAN: Thank you, Chairman.</p> <p>17 MR TONY YAU: Thank you, Mr Chairman.</p> <p>18 Mr Chan, you are right that for urban buses, the 19 requirements are more or less the same between 2006 and 20 2018 reviews. But if you consider, except for urban 21 bus, that means for some inter-city buses, there is 22 a change in United States legislation. In November 23 2013, the US passed a new legislation, requiring seat 24 belts for each passenger sitting position in all new 25 buses, except urban buses or school buses.</p>



Page 33	Page 35
<p>1 CHAIRMAN: It's urban buses that we are talking about.</p> <p>2 MR TONY YAU: Yes.</p> <p>3 CHAIRMAN: We know, for example, that coaches in the United</p> <p>4 Kingdom, say going between Birmingham and London, they</p> <p>5 are required to provide seat belts, but buses in both of</p> <p>6 those cities are not. So it's the urban buses we are</p> <p>7 interested in.</p> <p>8 MR TONY YAU: Yes, but those inter-city buses are more or</p> <p>9 less the same like our long-haul buses, that means from</p> <p>10 Hong Kong Island to NT, those buses are required to</p> <p>11 travel on several expressways, the high-speed</p> <p>12 expressways.</p> <p>13 CHAIRMAN: And are there any speed limits at which those</p> <p>14 buses can travel in the United States? Because there is</p> <p>15 a difference between travelling at 70 kilometres per</p> <p>16 hour and being able to do 110 kilometres per hour, is</p> <p>17 there not?</p> <p>18 MR TONY YAU: Yes.</p> <p>19 CHAIRMAN: Is there a difference? Are they allowed to do</p> <p>20 high speeds?</p> <p>21 MR TONY YAU: I think there is also a requirement for the</p> <p>22 bus running at high speeds in those jurisdictions.</p> <p>23 CHAIRMAN: Yes. One can see the obvious difference. It is</p> <p>24 no doubt the logic, the rationale, applied to coaches --</p> <p>25 coaches going down English motorways do so at</p>	<p>1 ordered from July 2018 onwards should be installed with</p> <p>2 seat belts."</p> <p>3 So that's the position for new buses.</p> <p>4 Before I ask the next question, I want to draw</p> <p>5 attention to another piece of information that may or</p> <p>6 may not be relevant to the next question that I am about</p> <p>7 to ask. That is the cost of installing seat belts on</p> <p>8 all seats on new buses. For that, can I take you to --</p> <p>9 it would be good if you have the working group report</p> <p>10 open in front of you while we go to this other</p> <p>11 reference -- KMB-12, page 4887-5.</p> <p>12 Perhaps I can go to 4887-1 first, just to give that</p> <p>13 document some context.</p> <p>14 Ms Chan, at page 4887-1, you should have before you</p> <p>15 the notes of the second meeting of the working group,</p> <p>16 held on 23 April 2018.</p> <p>17 Can I draw your attention to paragraph 16 of those</p> <p>18 minutes, which is at page 4887-5, and again I will just</p> <p>19 read out paragraph 16:</p> <p>20 "After checking with the bus manufacturers on the</p> <p>21 feasibility for installation of seat belts for all</p> <p>22 passenger seats for new buses, all franchised bus</p> <p>23 operators advised that it was technically feasible to</p> <p>24 install seat belts for all passenger seats for new buses</p> <p>25 to be procured. KMB/Long Win supplemented that it would</p>
Page 34	Page 36
<p>1 considerable speed, not at 70 kilometres per hour.</p> <p>2 MR TONY YAU: Yes.</p> <p>3 CHAIRMAN: Yes, Mr Chan.</p> <p>4 MR DEREK CHAN: So, with that historical context in mind,</p> <p>5 can I then consider the current position adopted in the</p> <p>6 working group report.</p> <p>7 Before I go to the details, I understand that the</p> <p>8 position is slightly different in respect of new buses</p> <p>9 and in respect of retrofitting existing buses, so I will</p> <p>10 deal with those two situations in turn.</p> <p>11 Going firstly to the position with new buses, can</p> <p>12 I please take you to paragraph 3.4 of the report, which</p> <p>13 is internal pagination page 24, and bundle reference</p> <p>14 page 1784. Can I just read paragraph 3.4 first:</p> <p>15 "As regards the installation of seat belts for all</p> <p>16 passenger seats on franchised buses, all three</p> <p>17 double-deck bus manufacturers (that is ADL, Volvo and</p> <p>18 MAN) have confirmed that it is technically feasible to</p> <p>19 supply new buses with seat belts for all passenger seats</p> <p>20 which comply with the aforesaid international standards</p> <p>21 if such installation is made as a procurement</p> <p>22 requirement. In light of this, the working group</p> <p>23 recommends that seat belts should be provided for all</p> <p>24 seats in future procurement of new buses. All</p> <p>25 franchised bus operators have agreed that all new buses</p>	<p>1 cost about an additional of 5,000 pounds for each</p> <p>2 double-decker to install seat belts for all passenger</p> <p>3 seats. All bus operators agreed to incorporate this</p> <p>4 requirement in their new single-decked buses and</p> <p>5 double-decked buses to be procured."</p> <p>6 The reference to 5,000 pounds' extra cost per bus to</p> <p>7 install seat belts on all seats referred to in the</p> <p>8 minutes, did that turn out to be a correct estimate,</p> <p>9 with the information you have now, compared to April</p> <p>10 2018?</p> <p>11 MS MABLE CHAN: This is the information that we are aware.</p> <p>12 Thank you.</p> <p>13 MR DEREK CHAN: So it's correct, an extra 5,000 pounds?</p> <p>14 MS MABLE CHAN: Yes.</p> <p>15 MR DEREK CHAN: With that information in mind, my question</p> <p>16 is this: what has changed since 2006-2007 that led to</p> <p>17 the Transport Department making this recommendation for</p> <p>18 new buses? Has the analysis on the benefit of seat</p> <p>19 belts on urban buses with standing passengers changed</p> <p>20 during that time?</p> <p>21 MS MABLE CHAN: In our working group discussion, the seat</p> <p>22 belt is one of the key areas that we have looked into.</p> <p>23 Before preparing for the working group discussion, the</p> <p>24 Transport Department has undertaken to conduct a further</p> <p>25 review of the overseas experiences. As I just answered</p>

Page 37	Page 39
<p>1 to the senior counsel's question, it appears to us that</p> <p>2 the overseas jurisdictions' stance towards the</p> <p>3 installation of seat belts for urban buses remains</p> <p>4 generally the same.</p> <p>5 That said, we have taken this issue very seriously.</p> <p>6 There has been a number of discussions raised in the</p> <p>7 Legislative Council Panel on Transport, so we have to</p> <p>8 look into this subject very carefully. We consider it</p> <p>9 from different aspects. First, it's from a road safety</p> <p>10 and public transport safety aspect. Secondly, we also</p> <p>11 look into the technical feasibility of installation of</p> <p>12 seat belts for new buses and on existing buses.</p> <p>13 Thirdly, we also look into the cost and financial</p> <p>14 implications of doing this extra installation of seat</p> <p>15 belts for all passenger seats.</p> <p>16 On the public transport safety point of view, we</p> <p>17 have actually taken this seat belt issue to the Road</p> <p>18 Safety Council for discussion and for seeking their</p> <p>19 advice. On this aspect, I will later invite Mr Tony Yau</p> <p>20 to supplement on that, on our position regarding the</p> <p>21 safety and protection that we think the installation of</p> <p>22 seat belts would provide to the passengers on board our</p> <p>23 urban buses in Hong Kong.</p> <p>24 On the technical feasibility --</p> <p>25 CHAIRMAN: Before you move on, when did you refer this</p>	<p>1 relevant committee, and presented a paper. But on this</p> <p>2 score, I would also ask Mr Tony Yau to elaborate</p> <p>3 a little bit more in a minute.</p> <p>4 I would like to just cover the other two aspects.</p> <p>5 On the technical feasibility, in the working group</p> <p>6 discussions with the presence of the bus operators and</p> <p>7 the bus manufacturers, we have actually tackled the</p> <p>8 issue on two fronts. First is on the new buses. As</p> <p>9 revealed from the meeting notes, we have looked into the</p> <p>10 feasibility of whether or not seat belts can be</p> <p>11 installed for all passenger seats for the new buses to</p> <p>12 be procured, and we got confirmation from the bus</p> <p>13 manufacturers that this is technically feasible, and we</p> <p>14 also have the bus operators present at the meeting</p> <p>15 confirming that they would be prepared to take this into</p> <p>16 account for the procurement of the new buses in the</p> <p>17 future.</p> <p>18 On the costing and the financial implications, for</p> <p>19 the new buses, the additional 5,000 pounds for each</p> <p>20 double-decker bus amounts to about 1.5 per cent of the</p> <p>21 total cost of a new double-decker bus. At the meeting,</p> <p>22 the bus operators considered that it is technically</p> <p>23 feasible and also operationally feasible for them to</p> <p>24 procure new buses with the installation of the seat</p> <p>25 belts on board for, for the new buses.</p>
Page 38	Page 40
<p>1 matter to the Road Safety Council?</p> <p>2 MR TONY YAU: In April, Road Safety Research Committee,</p> <p>3 subcommittee, we discuss.</p> <p>4 CHAIRMAN: In April of this year?</p> <p>5 MR TONY YAU: Sorry, it should be July, July's meeting.</p> <p>6 CHAIRMAN: Presumably, by a paper or an email?</p> <p>7 MS MABLE CHAN: Yes, paper.</p> <p>8 MR TONY YAU: It's a meeting, it's a subcommittee meeting.</p> <p>9 We discussed by paper.</p> <p>10 MS MABLE CHAN: A paper was submitted.</p> <p>11 CHAIRMAN: Can you provide a copy of that as well?</p> <p>12 MS MABLE CHAN: Yes.</p> <p>13 CHAIRMAN: What date in July was this meeting?</p> <p>14 MR TONY YAU: May I check my diary?</p> <p>15 CHAIRMAN: Yes. Take your time.</p> <p>16 MR TONY YAU: 17 July.</p> <p>17 CHAIRMAN: Thank you.</p> <p>18 Yes, Mr Chan.</p> <p>19 MR DEREK CHAN: Yes, Ms Chan, I think you were --</p> <p>20 CHAIRMAN: I interrupted you, Ms Chan.</p> <p>21 MS MABLE CHAN: That's okay.</p> <p>22 CHAIRMAN: You were dealing with the first aspect, that's</p> <p>23 for road safety.</p> <p>24 MS MABLE CHAN: Yes, on road safety and public transport</p> <p>25 safety, we have consulted the Road Safety Council, the</p>	<p>1 I think the next question will be on those existing</p> <p>2 buses.</p> <p>3 We also go through the different bus models.</p> <p>4 MR DEREK CHAN: Ms Chan, for retrofitting, I'm going to take</p> <p>5 that as a separate topic, if I may, which I will be</p> <p>6 expanding on that, and then I will be asking for your</p> <p>7 views on a number of issues relating to retrofitting, if</p> <p>8 you don't mind.</p> <p>9 MS MABLE CHAN: Sure. That's okay.</p> <p>10 Should I invite Mr Tony Yau to say --</p> <p>11 CHAIRMAN: I think it's more efficient if we allow counsel</p> <p>12 to explore the matters that he thinks are relevant for</p> <p>13 us. If matters are not a raised that you feel you want</p> <p>14 to raise, by all means do so, but can we proceed by</p> <p>15 a questioning method first.</p> <p>16 MR DEREK CHAN: Ms Chan, you have helpfully referred to</p> <p>17 three considerations. What appears to me -- and I may</p> <p>18 not be correct but it appears to me that there doesn't</p> <p>19 seem to be an attempt to carry out an analysis on the</p> <p>20 benefits, an objective, scientific analysis on the</p> <p>21 benefits that seat belts on all passenger seats may</p> <p>22 bring. Is that a fair observation?</p> <p>23 MS MABLE CHAN: I beg your pardon?</p> <p>24 CHAIRMAN: Are you addressing the issue of cost/benefit</p> <p>25 analysis, or only benefit?</p>

Page 41	Page 43
<p>1 MR DEREK CHAN: We have the cost here of 5,000 pounds.</p> <p>2 CHAIRMAN: Yes. The question appears to be: you don't to</p> <p>3 have conducted a cost/benefit analysis. That's the</p> <p>4 proposition being put to you.</p> <p>5 MS MABLE CHAN: I would not agree.</p> <p>6 MR DEREK CHAN: Again, just a side point --</p> <p>7 CHAIRMAN: Before we move on -- what analysis did you do</p> <p>8 then, if you don't agree with that proposition?</p> <p>9 MS MABLE CHAN: First, we have looked into the cost of the</p> <p>10 installation of seat belts on all passenger seats for</p> <p>11 new buses. On the other hand, we have also discussed</p> <p>12 and looked into the benefits of providing seat belts for</p> <p>13 all passenger seats for new buses.</p> <p>14 CHAIRMAN: And what was the result of that analysis?</p> <p>15 MS MABLE CHAN: We considered that the provision of seat</p> <p>16 belts for all passenger seats will render additional</p> <p>17 protection for the passengers on board the new buses,</p> <p>18 and on that I would invite Mr Tony Yau to just</p> <p>19 supplement on this aspect.</p> <p>20 CHAIRMAN: Yes.</p> <p>21 MR TONY YAU: If we are required to do any cost/benefit</p> <p>22 analysis, we have to base on like-to-like comparison.</p> <p>23 What we are concerned with is the safety belt is</p> <p>24 a protective measure. What others previously proposed,</p> <p>25 those in-vehicle devices, such as collision alert,</p>	<p>1 there are no seat belts? Did you look at that?</p> <p>2 MR TONY YAU: There is some analysis but it is for private</p> <p>3 cars, the seat belt can reduce the severity of the</p> <p>4 accident.</p> <p>5 CHAIRMAN: Cars are quite different from buses. Did you</p> <p>6 look at the incidence, the number, of passengers being</p> <p>7 injured or killed whilst seated at bus seats that are</p> <p>8 not equipped with seat belts? Did you look at that?</p> <p>9 MR TONY YAU: There are no specific study on public</p> <p>10 transport --</p> <p>11 CHAIRMAN: So is the answer no?</p> <p>12 MR TONY YAU: (Shook head).</p> <p>13 CHAIRMAN: But why not?</p> <p>14 MR TONY YAU: We also discussed, as I mentioned before, in</p> <p>15 the Road Safety Research Committee, and I looked at --</p> <p>16 we have mentioned it in the working group report, 5.10.</p> <p>17 CHAIRMAN: The question is simple: why didn't you look at</p> <p>18 the number of people that are being injured or killed</p> <p>19 while seated at bus seats where there are no seat belts,</p> <p>20 as an indication of what the cost of the problem is?</p> <p>21 MS MABLE CHAN: Chairman, may I add?</p> <p>22 CHAIRMAN: Please.</p> <p>23 MS MABLE CHAN: We need to acknowledge that based on</p> <p>24 colleagues' evidence, we have not made any quantifiable</p> <p>25 analysis into the causes of the accidents whereby any</p>
Page 42	Page 44
<p>1 electronic stability control, speed limiter and</p> <p>2 retarders, they are all preventive measures. They are</p> <p>3 trying, via transport technology, to prevent accidents</p> <p>4 occur. But for seat belts, it's a protective measure.</p> <p>5 That means, after all, the accident still happens and</p> <p>6 the seat belt is the general measure that can protect</p> <p>7 the passengers.</p> <p>8 So if we need to compare or do a cost/benefit</p> <p>9 analysis, we have to find other device that has the same</p> <p>10 protective performance or is in the same category as the</p> <p>11 seat belt. I am not seeing any similar things that can</p> <p>12 provide similar benefit to bus passengers and have the</p> <p>13 same protective measure during the accidents.</p> <p>14 And considering the cost, during the working group</p> <p>15 we discussed with the bus operators, the cost is about</p> <p>16 5,000 pounds per vehicle. We are talking about each new</p> <p>17 bus is over HK\$3 million cost. That means the</p> <p>18 additional cost is only about --</p> <p>19 CHAIRMAN: We've been told it's about 1.5 per cent of the</p> <p>20 cost of a new bus.</p> <p>21 MR TONY YAU: Yes. So comparatively the cost is quite low,</p> <p>22 and the protective benefit is quite good, very</p> <p>23 significant.</p> <p>24 CHAIRMAN: What are the incidence of passengers being</p> <p>25 injured while they are seated on buses at seats where</p>	<p>1 passengers without a seat belt will be more seriously</p> <p>2 hit. But I would like to point out the historical</p> <p>3 perspective --</p> <p>4 CHAIRMAN: Before you do that, "why not" is the question;</p> <p>5 why haven't you done a quantifiable analysis?</p> <p>6 MS MABLE CHAN: We have not done so and I do not have</p> <p>7 a ready answer, but I would like to point out --</p> <p>8 CHAIRMAN: Let me try to help: are there statistics</p> <p>9 available? Have these records been kept? Have they</p> <p>10 been collated?</p> <p>11 MS MABLE CHAN: Chairman, I don't think there are specific</p> <p>12 statistics collected or collated in this regard.</p> <p>13 CHAIRMAN: None by the police?</p> <p>14 MS MABLE CHAN: We cannot answer on behalf of the police.</p> <p>15 CHAIRMAN: Well, you have access to their accident data</p> <p>16 bank, do you not? I'm not asking you to answer on</p> <p>17 behalf of them. Do they have any category of statistics</p> <p>18 that helps you with this?</p> <p>19 MR TONY YAU: Chairman, in our road traffic accident</p> <p>20 statistics we issue to the public each year, we have</p> <p>21 those figures.</p> <p>22 CHAIRMAN: But you have figures presumably that include</p> <p>23 cars. I'm asking about buses.</p> <p>24 MR TONY YAU: We have buses.</p> <p>25 CHAIRMAN: Yes. What have you got?</p>

Page 45	Page 47
<p>1 Perhaps you would like to consider this. I don't 2 want to be unfair to you. If you need a bit of time to 3 collate the information, do so, and we will come back to 4 it later. 5 Yes, Mr Chan. 6 MR DEREK CHAN: Mr Chairman, since reference to the police 7 data has been made, I am asking those assisting me to 8 find the reference for the police letter that they sent 9 to us very recently, that does have some data on seated 10 passengers being injured. 11 CHAIRMAN: Yes, it does. Yes, you have reminded me. 12 MR DEREK CHAN: Yes. 13 CHAIRMAN: Is this material on our internet, on our website? 14 MR DEREK CHAN: Yes, it is. I'm just getting it. 15 It may not answer the point fully. 16 CHAIRMAN: No. 17 MR DEREK CHAN: But at least it would be of some relevance. 18 May I please draw your attention to MISC-1C, 19 page 124-561. 20 Mr Chairman, it's a letter from the police to this 21 committee, dated 3 October 2018, in case you have that 22 document somewhere else. 23 Ms Chan, I hope you have before you this letter from 24 the police to the committee dated 3 October 2018. At 25 paragraph 3, the police notes:</p>	<p>1 CHAIRMAN: Did you consider it when making your analysis? 2 MR TONY YAU: Because currently those casualties, maybe the 3 passengers are not -- no seat belt is provided to them, 4 and for our proposals to provide seat belt, did it 5 really concern with the security? 6 CHAIRMAN: No. The question is very simple: did you 7 consider this data or not? Don't tell us what else you 8 considered, but did you consider it or not in your 9 analysis? 10 MR TONY YAU: We have not considered -- 11 CHAIRMAN: Thank you. "Yes" and no" are very simple words. 12 Is there something more you wish to say about what you 13 did consider? 14 MS MABLE CHAN: Chairman, may I add that to be fair to my 15 colleague, he is the road safety expert in the 16 department. He has been participating in the Road 17 Safety Council and the relevant subcommittee meetings. 18 He has close liaison with the police. I think, in their 19 experience and based on their past research and work, 20 they have gathered and have access to the police 21 figures. It's true that they have not considered the 22 figures as tabulated in this form. So I think it's true 23 for them to say that they have not considered such 24 statistics in this presentation, but as Tony would just 25 like to present and explain to this committee and</p>
Page 46	Page 48
<p>1 "Traffic Branch Headquarters could not find any 2 record of any consultation from the Transport Department 3 regarding the recommendation to install seat belts on 4 buses in 2007." 5 And the rest of the paragraph talks about the 6 meeting of the Road Safety Council. 7 Over the page, at paragraph 4, the police says this: 8 "The police have been keeping statistics on the 9 number of passengers who were injured while seated on 10 a bus and not wearing a seat belt. The figures were 11 tabled as below." 12 We can see statistics were kept by the police in 13 2015, 2016 and 2017 of what appears to be passengers who 14 were injured wearing or not wearing seat belts. 15 Has this sort of data been considered by the 16 Transport Department when making the recommendation that 17 seat belts should be installed on all new buses, when 18 considering the benefit analysis? 19 CHAIRMAN: Or is this the first time you have seen this 20 data? 21 MR TONY YAU: No, no, we are aware of those data. 22 CHAIRMAN: So you have seen it? 23 MR TONY YAU: Not exactly. They are usually in different 24 presentations. But the figures, the source, we have 25 seen.</p>	<p>1 honourable chairman, it is their expert and professional 2 analysis that provision of seat belts will provide 3 additional protection to a passenger when seated on 4 a bus. 5 That's all I would like to supplement. Thank you, 6 Chairman. 7 CHAIRMAN: Yes. We had a chief superintendent of police 8 giving evidence here, and he reminded us of that 9 well-worn phrase, "Seat belts save lives". That's not 10 in dispute. 11 The issue is what is problem, what is the extent of 12 the problem on buses what is the cost of fixing it, and 13 that's all we are trying to find out. 14 MS MABLE CHAN: Yes. 15 CHAIRMAN: Mr Yau, did you perform any analysis, make any 16 paper on this point, that can help us understand what 17 you say you did, and if so can you provide it to us? 18 MR TONY YAU: So that's why, in our working group report, 19 5.3 and 5.4 ... 20 CHAIRMAN: Can you answer my question first: did you produce 21 a paper addressing this cost/benefit analysis? 22 MR TONY YAU: No. I want to mention -- 23 CHAIRMAN: Can you just answer the question: did you do so 24 or not? 25 MR TONY YAU: We are going to request in the working group</p>

Page 49	Page 51
<p>1 report that those --</p> <p>2 CHAIRMAN: No, Mr Yau. Please answer my question. I will</p> <p>3 give you all the time you want to give whatever other</p> <p>4 explanations you want to give. Did you prepare a paper</p> <p>5 that addresses this issue? Take your time to think</p> <p>6 about it. It's a simple question.</p> <p>7 MR TONY YAU: No.</p> <p>8 CHAIRMAN: Thank you. Now, what else do you want to say?</p> <p>9 MR TONY YAU: As mentioned in paragraph 5.4 of the working</p> <p>10 group report, that's why, for existing buses, that means</p> <p>11 the retrofitting of seat belts of existing buses, the</p> <p>12 working group recommends that TD, the franchised bus</p> <p>13 operators and the bus manufacturers to continue to work</p> <p>14 closely.</p> <p>15 CHAIRMAN: Very well. That's what you wanted to tell us.</p> <p>16 We now know what you wanted to tell us.</p> <p>17 Yes, Mr Chan.</p> <p>18 MR DEREK CHAN: Again, Ms Chan, my next question is this.</p> <p>19 It may be unfair in the sense that it asks you to</p> <p>20 explain what may or may not have been done by your</p> <p>21 predecessors, but my question is this. If the Transport</p> <p>22 Department considers that seat belts are so good, then</p> <p>23 why wasn't such requirement imposed in the 2006-2007</p> <p>24 review?</p> <p>25 MS MABLE CHAN: I cannot answer on behalf of my predecessor</p>	<p>1 remember that.</p> <p>2 CHAIRMAN: Can we have that reference, please. And can we</p> <p>3 have it on the screen.</p> <p>4 MR DEREK CHAN: KMB-1, page 114, paragraph 40.</p> <p>5 Mr Chairman, 114 is part of the KMB investigation</p> <p>6 report on the Tai Po accident dated 12 March 2018.</p> <p>7 CHAIRMAN: Yes. We get that from page 98, which gives us</p> <p>8 the front page.</p> <p>9 MR DEREK CHAN: Yes.</p> <p>10 If I can just read out paragraph 40, headed "Safety</p> <p>11 belts", which is in part 5 of the investigation report,</p> <p>12 titled "Other measures to enhance bus safety". If I may</p> <p>13 just read out paragraph 40:</p> <p>14 "KMB has already requested its suppliers to install</p> <p>15 safety belts on all seats as a standard feature for new</p> <p>16 buses ordered after 5 March 2018. As for buses that are</p> <p>17 currently in service, where certain routes so require,</p> <p>18 safety belts will be installed on the upper deck of KMB</p> <p>19 buses phase by phase."</p> <p>20 Now, it would thus appear that even before the first</p> <p>21 meeting of the working group, KMB themselves have</p> <p>22 already taken the step to install seat belts on all</p> <p>23 passenger seats.</p> <p>24 CHAIRMAN: On all new buses.</p> <p>25 MR DEREK CHAN: On all new buses. Thank you, Mr Chairman.</p>
Page 50	Page 52
<p>1 of the review at that time and the position taken at</p> <p>2 that time, but in the course of the working group</p> <p>3 discussion, the Transport Department's point of view is</p> <p>4 that the seat belt would render additional protection to</p> <p>5 passengers, but whether or not it can achieve the effect</p> <p>6 that we would like to would depend very much on whether</p> <p>7 the passenger will use the seat belt, in the first</p> <p>8 place, and whether or not they are seated.</p> <p>9 We know the constraints that may affect the</p> <p>10 effectiveness of the seat belt, but notwithstanding that</p> <p>11 we think that for new buses, the installation of seat</p> <p>12 belts is cost-effective, but it will render additional</p> <p>13 protection, while the additional cost is not</p> <p>14 significant. But I will address the retrofitting of</p> <p>15 existing buses in a later stage.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN: Yes, Mr Chan.</p> <p>18 MR DEREK CHAN: Before I move on to retrofitting, perhaps</p> <p>19 I can just make one side point.</p> <p>20 In KMB's investigation report on the Tai Po</p> <p>21 accident, which was made available to the Transport</p> <p>22 Department on 12 March, so before the first meeting of</p> <p>23 the working group, KMB already indicated voluntarily</p> <p>24 that it would install seat belts on all passenger seats.</p> <p>25 Can I just give a page reference -- I think you</p>	<p>1 So my question is this. Given this position of KMB,</p> <p>2 to what extent did this position play a part in your</p> <p>3 working group's recommendation that seat belts should be</p> <p>4 installed in all passenger seats for the other</p> <p>5 franchised bus operators as well?</p> <p>6 MS MABLE CHAN: First of all, I would like to say that the</p> <p>7 receipt of the KMB's report to me on 12 March was later</p> <p>8 than our email to inform the various bus operators on</p> <p>9 6 March regarding the measures that we would like to</p> <p>10 study to enhance the franchised bus safety.</p> <p>11 We have provided the committee with our email on --</p> <p>12 CHAIRMAN: This is not in dispute. On 15 February, the</p> <p>13 LegCo discussion focused, to some degree, on seat belts.</p> <p>14 MS MABLE CHAN: Yes.</p> <p>15 CHAIRMAN: So it's not surprising that you have put this on</p> <p>16 your agenda. There is no dispute about that.</p> <p>17 MS MABLE CHAN: Okay.</p> <p>18 CHAIRMAN: The question being asked is this. The fact that</p> <p>19 KMB have come to this decision before the working group</p> <p>20 ever met, did that play a part in you requiring that</p> <p>21 other -- or proposing that all franchised bus operators</p> <p>22 install seat belts on new buses? That's the question:</p> <p>23 did it play a part or not?</p> <p>24 MS MABLE CHAN: We take note of the plan of KMB to request</p> <p>25 the suppliers to install safety seat belts on all seats</p>

Page 53	Page 55
<p>1 for their new buses. We take note of that.</p> <p>2 But in the working group discussion on the</p> <p>3 installation of seat belt issue, we take our due</p> <p>4 diligence to look into the technical feasibility, the</p> <p>5 financial implication and the road safety perspective of</p> <p>6 this --</p> <p>7 CHAIRMAN: Forgive me interrupting, but to crystallise it,</p> <p>8 you took note of the feasibility, the cost, and the</p> <p>9 benefit -- the road safety perspective, you call it --</p> <p>10 but that means the benefit to passengers?</p> <p>11 MS MABLE CHAN: Yes.</p> <p>12 CHAIRMAN: Yes, Mr Chan.</p> <p>13 MR DEREK CHAN: Mr Chairman, I was going to move to the</p> <p>14 issue of retrofitting seat belts.</p> <p>15 CHAIRMAN: Very well, but before we leave this topic -- can</p> <p>16 you help the committee as to this: what proportion of</p> <p>17 the franchised buses in Hong Kong does the KMB Group, if</p> <p>18 I can call it that, operate?</p> <p>19 MS MABLE CHAN: You means in terms of the number of buses?</p> <p>20 CHAIRMAN: Yes, buses. 4,000, from my memory?</p> <p>21 MS MABLE CHAN: 4,000 out of 5,900.</p> <p>22 CHAIRMAN: Well, let's call it 6,000. So two-thirds of the</p> <p>23 buses. The company running two-thirds of the buses has</p> <p>24 decided to introduce seat belts on new buses, leaving</p> <p>25 the consideration about what to do with the other</p>	<p>1 CHAIRMAN: Thank you.</p> <p>2 MR DEREK CHAN: Ms Chan, do you have paragraph 3.8 in front</p> <p>3 of you?</p> <p>4 MS MABLE CHAN: Yes.</p> <p>5 MR DEREK CHAN: I'm going to read out 3.8, 3.9 and 3.10, and</p> <p>6 pausing towards the end of 3.10 to make a few remarks,</p> <p>7 but I will start reading first. 3.8 is contained in</p> <p>8 a section, "Retrofitting of seat belts on existing</p> <p>9 franchised buses", and the issue now is retrofitting on</p> <p>10 the upper deck. 3.8 says this:</p> <p>11 "Even though it would be technically feasible to</p> <p>12 retrofit seat belts on all passenger seats on the upper</p> <p>13 deck, there are other implications. First, it is</p> <p>14 expected that the weight of the bus will increase by 300</p> <p>15 to 400kg and the passenger carrying capacity will</p> <p>16 probably be reduced by 7 to 8 passengers as a result of</p> <p>17 the modification. Moreover, the retrofitting and testing</p> <p>18 work for each franchised bus will take considerable time</p> <p>19 to complete and hence will affect the bus availability</p> <p>20 rate for bus operation during the process. Subject to</p> <p>21 the manpower available for the retrofitting works ADL</p> <p>22 and Volvo have estimated that the retrofitting would</p> <p>23 take about one week, requiring 3 to 4 skilled labour,</p> <p>24 per bus. However, since bus manufacturers have indicated</p> <p>25 that they could not provide the manpower and workshop</p>
Page 54	Page 56
<p>1 one-third, and you say of that, "We took note of that";</p> <p>2 is that it? That's your evidence?</p> <p>3 MS MABLE CHAN: Yes.</p> <p>4 CHAIRMAN: Thank you. We will take a 20-minute break now.</p> <p>5 MS MABLE CHAN: Thank you, Chairman.</p> <p>6 (11.32 am)</p> <p>7 (A short adjournment)</p> <p>8 (11.53 am)</p> <p>9 CHAIRMAN: Yes, Mr Chan.</p> <p>10 MR DEREK CHAN: Mr Chairman, if I may then move on to the</p> <p>11 issue of retrofitting.</p> <p>12 Again, I am going to start by looking at the</p> <p>13 passages in the working group report that deals with the</p> <p>14 issue of retrofitting. I'm going to read more passages</p> <p>15 than before because I recognise that the issue of</p> <p>16 retrofitting is more complicated.</p> <p>17 So I think, to do justice to the analysis carried</p> <p>18 out in the report, I ought to read a few paragraphs in</p> <p>19 full. Can I first take you to paragraph 3.8 of the</p> <p>20 working group report, internal pagination page 26,</p> <p>21 bundle reference TD-5, page 1786.</p> <p>22 Mr Chairman, there appears to be something wrong</p> <p>23 with the screen. Ah, there we are.</p> <p>24 CHAIRMAN: Yes. Has that been resolved?</p> <p>25 MR DEREK CHAN: Yes.</p>	<p>1 for the retrofitting work, the franchised bus operators</p> <p>2 would need to carry out the work by engaging contractors</p> <p>3 or utilise their own manpower and workshop. The</p> <p>4 availability of skilled workers and workshop facilities</p> <p>5 are critical factors in determining the time required</p> <p>6 for the retrofitting and testing work. Based on a very</p> <p>7 rough estimate, it would take about 6 to 12 years to</p> <p>8 complete the full retrofitting for about 3,300 buses.</p> <p>9 3.9. In the light of the above, some bus operators</p> <p>10 have expressed concerns that the retrofitting of seat</p> <p>11 belts would not only incur significant financial</p> <p>12 implications, but also considerable time and manpower</p> <p>13 resources, not to mention the need to re-deploy or</p> <p>14 procure additional buses to maintain the existing bus</p> <p>15 service level during the whole process."</p> <p>16 Pausing here, the reference to "significant</p> <p>17 financial implications" has a footnote 10 next to it,</p> <p>18 and at the bottom of the page, footnote 10 says this:</p> <p>19 "In the absence of a detailed study on the technical</p> <p>20 details for retrofitting seat belts on all seats in the</p> <p>21 upper deck, a rough estimate on the costs of</p> <p>22 retrofitting a bus is about HK\$200,000 (excluding</p> <p>23 manpower and overhead costs)."</p> <p>24 So, pausing here, it would appear from this that on</p> <p>25 the cost side of the analysis, you are looking at</p>

Page 57	Page 59
<p>1 something like HK\$600 million in order to carry out the</p> <p>2 retrofitting over six to twelve years. Is that</p> <p>3 a correct rough way of looking at it?</p> <p>4 MS MABLE CHAN: Correct, in terms of a rough estimate.</p> <p>5 MR DEREK CHAN: If I may then continue reading from --</p> <p>6 CHAIRMAN: Before you do so, what is meant by "excluding</p> <p>7 manpower and overhead costs"? What costs are they?</p> <p>8 MR YK CHAN: Mr Chairman, may I answer this question? The</p> <p>9 cost quoted in the footnote only comprises the quote</p> <p>10 provided by the manufacturers on the equipment and</p> <p>11 fittings. In completing the whole retrofitting work,</p> <p>12 additional costs will be involved, including labour and</p> <p>13 other overheads, which is not included in this amount,</p> <p>14 at that time.</p> <p>15 CHAIRMAN: So the manpower costs of the engineers who</p> <p>16 retrofit these devices is not included; is that it?</p> <p>17 MR YK CHAN: It's not included because at that time there</p> <p>18 was no estimate about it.</p> <p>19 CHAIRMAN: And what about the overhead costs? Is that</p> <p>20 something to do with the fact that the bus is out of</p> <p>21 action for a week?</p> <p>22 MR YK CHAN: Another overhead might be workshop rental,</p> <p>23 things like that.</p> <p>24 CHAIRMAN: I see. But what about the fact that the bus is</p> <p>25 out of action; is that costed into this?</p>	<p>1 on routes which serve long-haul passengers or are</p> <p>2 operated on expressways with limited boarding or</p> <p>3 alighting activities at the en route stops. The</p> <p>4 remaining three franchised bus operators (that is</p> <p>5 Citybus, New World First Bus and New Lantao Bus) do not</p> <p>6 support the retrofitting works due to the expected low</p> <p>7 utilisation rate and huge retrofitting cost, and request</p> <p>8 for government subsidy should the proposed retrofitting</p> <p>9 be taken forward."</p> <p>10 Now, again, just pausing here, there are references</p> <p>11 in this paragraph to franchised bus operators opining</p> <p>12 that passengers sitting on exposed seats do not normally</p> <p>13 wear seat belts and an expected low utilisation rate.</p> <p>14 Am I correct that these sentiments were expressed</p> <p>15 during the working group meetings by the franchised bus</p> <p>16 operators?</p> <p>17 MS MABLE CHAN: Yes.</p> <p>18 MR DEREK CHAN: Again, just to give this issue more context,</p> <p>19 this committee has heard evidence from the police, and</p> <p>20 Chief Superintendent Baker, on behalf of the police,</p> <p>21 indicated an expectation that most people would use seat</p> <p>22 belts.</p> <p>23 Mr Chairman, the reference to that evidence, if</p> <p>24 I can just give it, on the transcript, is Day 17,</p> <p>25 24 September 2018, page 48, line 20, and also at</p>
Page 58	Page 60
<p>1 MR YK CHAN: That's not factored into this at all.</p> <p>2 CHAIRMAN: So that's an extra cost that's not yet</p> <p>3 calculated?</p> <p>4 MR YK CHAN: That's correct.</p> <p>5 CHAIRMAN: So the 600 million global figure is plus, plus,</p> <p>6 plus; is that correct?</p> <p>7 MR YK CHAN: Yes.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MR DEREK CHAN: If I may continue reading paragraph 3.10:</p> <p>10 "In this regard, all franchised bus operators opine</p> <p>11 that, from their day-to-day observation, those</p> <p>12 passengers sitting on exposed seats do not normally wear</p> <p>13 seat belts. Seen in this light, the retrofitting works</p> <p>14 appeared not to be cost-effective."</p> <p>15 Pausing here, I will ask you to note that this is</p> <p>16 something that I want to follow up with after we have</p> <p>17 read all the passages.</p> <p>18 "On the other hand, they consider that public</p> <p>19 education should be conducted to promote the use of seat</p> <p>20 belts on buses. Amongst the five franchised bus</p> <p>21 operators, KMB and Long Win emphasise that they support</p> <p>22 the seat belt installation for new buses. Subject to</p> <p>23 the proposal from bus manufacturers, KMB and Long Win</p> <p>24 would retrofit seat belts on upper deck passenger seats</p> <p>25 or deploy buses with seat belts at all passenger seats</p>	<p>1 page 50, line 13.</p> <p>2 I understand there is an option of just retrofitting</p> <p>3 seat belts on the upper deck and only on the routes that</p> <p>4 involve using expressways, and that's covered in 3.13,</p> <p>5 so I will read that as well before I start questioning.</p> <p>6 3.13, under the heading "Conclusion and actions</p> <p>7 ahead":</p> <p>8 "Having regard to the operation of franchised buses</p> <p>9 in Hong Kong which involves mostly urban buses with</p> <p>10 standing passengers, the technical feasibility of, and</p> <p>11 the costs and time required for, retrofitting seat belts</p> <p>12 on existing buses, the working group considers that</p> <p>13 there are insufficient grounds to make it a mandatory</p> <p>14 requirement for all buses to be fitted with seat belts</p> <p>15 on all passenger seats."</p> <p>16 Just pausing here, I'm wondering if it's a typo or</p> <p>17 an issue with the language, because I understand that</p> <p>18 the working group recommends seat belts to be fitted on</p> <p>19 all passenger seats in new buses, so should this</p> <p>20 sentence read, "There are insufficient grounds to make</p> <p>21 it a mandatory requirement for all buses to be</p> <p>22 retrofitted with seat belts"?</p> <p>23 MS MABLE CHAN: I can clarify on that. First, for new</p> <p>24 buses, the working group's recommendation is that all</p> <p>25 the new buses to be procured would be installed with</p>

Page 61	Page 63
<p>1 seat belts for all passenger seats.</p> <p>2 The working group considers that there are</p> <p>3 insufficient grounds to make it mandatory or I should</p> <p>4 emphasise that to make it a statutory requirement for</p> <p>5 all the buses, including both new or existing buses, to</p> <p>6 be fitted with seat belts on all passenger seats. When</p> <p>7 we make this statement, we are mindful of the various</p> <p>8 issues involved, which is still yet to be further</p> <p>9 examined and assessed, in particular the technical</p> <p>10 feasibility, the cost and time required for retrofitting</p> <p>11 seat belts on existing buses.</p> <p>12 Thank you.</p> <p>13 MR DEREK CHAN: So a distinction here is drawn between</p> <p>14 a franchise requirement and a statutory requirement? Is</p> <p>15 that a correct understanding?</p> <p>16 MS MABLE CHAN: This is the first distinction, and the other</p> <p>17 distinction is that the franchise requirement is for all</p> <p>18 new buses, but we do not make a franchise requirement</p> <p>19 for all buses.</p> <p>20 MR DEREK CHAN: Thanks for that clarification. If I may</p> <p>21 read on in that paragraph:</p> <p>22 "Nevertheless, the working group recognises that as</p> <p>23 in the case of exposed seats and in bus compartment with</p> <p>24 no standees allowed, seat belts may offer extra</p> <p>25 protection to seated passengers. Hence, the working</p>	<p>1 MR DEREK CHAN: Given Mr Chairman has indicated that the</p> <p>2 Transport Department has not made any quantifiable</p> <p>3 analysis on the benefits of seat belts, how is the</p> <p>4 cost-effectiveness measured, assessed?</p> <p>5 MS MABLE CHAN: The statement that the retrofitting of seat</p> <p>6 belts on existing buses appears not to be cost-effective</p> <p>7 was made on the following considerations.</p> <p>8 First, we notice that amongst the existing buses,</p> <p>9 not all bus models would be technically feasible for</p> <p>10 retrofitting of seat belts.</p> <p>11 Secondly, for those models which are technically</p> <p>12 feasible for installation of seat belts, the</p> <p>13 installation of seat belts for seats on the lower deck</p> <p>14 would have implication on the structure and the</p> <p>15 operation aspects of the buses.</p> <p>16 Thirdly, we also notice about the operational</p> <p>17 implications in terms of time and in terms of the labour</p> <p>18 arrangement, manpower and workshop arrangement, for the</p> <p>19 retrofitting work, which may have an implication and</p> <p>20 impact on the availability of the buses for the various</p> <p>21 bus operators to deploy.</p> <p>22 Taking all this into account, the working group have</p> <p>23 carefully considered this and discussed with the bus</p> <p>24 operators, and as the senior counsel has also mentioned,</p> <p>25 in paragraphs 3.13 and 3.14, it is on this basis that we</p>
Page 62	Page 64
<p>1 group recommends, and all franchised bus operators have</p> <p>2 agreed, that the feasibility of retrofitting of existing</p> <p>3 buses for installation of seat belts has to be further</p> <p>4 examined. Subject to further assessment on the</p> <p>5 technical, operational and financial feasibility,</p> <p>6 consideration should be given to retrofitting all seats</p> <p>7 in the upper deck with seat belts on those buses</p> <p>8 deployed for specific bus routes, that is those</p> <p>9 long-haul routes which are operated via expressways with</p> <p>10 relatively fewer bus stops."</p> <p>11 Now, at footnote 11, the working group report gives</p> <p>12 examples of what expressways are being referred to, and</p> <p>13 at footnote 12, the number of buses required for</p> <p>14 retrofitting appears to be reduced to 2,000.</p> <p>15 Am I correct to interpret this as saying, under this</p> <p>16 option, again on a global rough estimate, we are looking</p> <p>17 at something like HK\$400 million, plus, plus, plus --</p> <p>18 MS MABLE CHAN: Correct.</p> <p>19 MR DEREK CHAN: Going back, if I may, to the general</p> <p>20 statements that I have read out before about</p> <p>21 retrofitting works appear to be not cost-effective --</p> <p>22 now, when you are talking about cost-effectiveness, is</p> <p>23 that expressed in relative terms to the benefits that</p> <p>24 retrofitting might bring to passengers?</p> <p>25 MS MABLE CHAN: Yes.</p>	<p>1 consider, and the bus operators agree, that the</p> <p>2 feasibility of retrofitting the existing buses for</p> <p>3 installation of seat belts has to be further examined.</p> <p>4 So, to answer your question, the statement that it</p> <p>5 appears not to be cost-effective hasn't undergone</p> <p>6 a quantifiable and robust cost/benefit analysis in that</p> <p>7 term, but we have required, and the FB operators have</p> <p>8 agreed, that the operational and financial feasibility</p> <p>9 have to be, amongst other things, further assessed</p> <p>10 before we consider whether or not the seat belts can be</p> <p>11 installed with -- the seats on the upper deck can be</p> <p>12 installed with seat belts and, if so, whether they could</p> <p>13 be applicable to those long-haul routes which are</p> <p>14 operated via expressway with relatively fewer bus stops</p> <p>15 on which there may be a higher chance for the</p> <p>16 passengers, because they are not getting on and off that</p> <p>17 frequently, so it would be on that basis that the</p> <p>18 promotion of the use of seat belts would stand a higher</p> <p>19 chance.</p> <p>20 Thank you.</p> <p>21 CHAIRMAN: By that you mean that the utilisation rate would</p> <p>22 be higher?</p> <p>23 MS MABLE CHAN: Yes, Chairman.</p> <p>24 MR DEREK CHAN: Noting in your answer that more assessment</p> <p>25 is required, can I take you to an approach to this</p>



Page 65	Page 67
<p>1 cost/benefit analysis suggested by Prof Stanley and 2 Mr Weston, and then after I have read out the evidence 3 I will invite your observations on whether this approach 4 ought to be adopted. 5 If I may first take you to the transcript of 6 Prof Stanley's evidence. That's at Day 16, 15 September 7 2018, page 124. 8 Perhaps I can take it from page 123, just to give it 9 some context. At page 123, line 20, you can see the 10 topic is on the installation of seat belts on all seats, 11 and at page 124, line 1, I was asking this question: 12 "So can I just start with a general question, that 13 is are seat belts required to be installed on urban 14 buses in Australia? 15 Prof John Stanley: No. 16 Mr Derek Chan: Is there a reason for that? 17 Prof John Stanley: The belief is that the mass of 18 the vehicle itself is normally going to provide 19 sufficient occupant protection in the event of 20 an accident, such that seat belts are not going to add 21 much more on top of that. There is also a challenge 22 with existing vehicles of retrofitting and the cost of 23 so doing. 24 The way that we would approach this sort of question 25 in Australia -- and I don't know whether you might do</p>	<p>1 "With all that information in mind, what is your 2 observation or comment on the installation of seat 3 belts, firstly on all the seats, and secondly focusing 4 on the upper deck, where there is no standing 5 passengers? 6 Prof John Stanley: Thank you. This really takes me 7 back to an answer I gave maybe half an hour ago about 8 the notion of a regulatory impact statement. I think 9 there are two levels to this particular question. The 10 first level is: is it technically feasible to fit seat 11 belts in certain kinds of positions on buses, for 12 example on the upper deck of new buses, on retrofitting 13 for older buses. That's a technical question of 14 feasibility. 15 The second level then is: if it is technically 16 feasible, what is the cost/benefit ratio of doing that 17 installation? In other words, what will it cost? That 18 is the probability of particular kinds of accidents 19 being reduced if those seat belts are installed? Will 20 people wear them, is one of the questions that needs to 21 be addressed in that setting? 22 I don't have a view in any particular circumstances 23 whether it is a good idea or not. What I would say is 24 that that's exactly the kind of problem that you should 25 submit to a regulatory impact statement. There will be</p>
Page 66	Page 68
<p>1 exactly the same thing -- is we have a process called 2 a regulatory impact statement, and if we were looking, 3 for example, to require seat belts to be mandatory on 4 route buses, that would probably need to go through the 5 process of a regulatory impact statement that would look 6 at the cost of various ways of going about undertaking 7 that work, and then do an assessment of the 8 probabilities of various sorts of incident types being 9 reduced, putting a dollar value on that, and coming up 10 with a view as the basis of that assessment. That's the 11 normal way we do this kind of assessment. 12 Chairman: And who does the regulatory impact 13 statement? 14 Prof John Stanley: It would be done by the relevant 15 government department. A lot of these sorts of things 16 would happen at a national level in Australia, so they 17 would be done by the National Transport Commission which 18 is the successor body to the National Road Transport 19 Commission that I was deputy chairman of for nine years. 20 We did multiple regulatory impact statements into 21 various aspects of vehicle requirements." 22 So that's one passage. 23 Another passage that I would like to read out in the 24 same day's evidence is at page 144. At 144, line 4, my 25 question was this:</p>	<p>1 information around on the probabilities of accidents, 2 these different varieties. You can put monetary values 3 on the probability of those sorts of accidents being 4 reduced. You probably can form a view too on the 5 probability of wearing seat belts, which would affect 6 the effectiveness of the wearing thereof. 7 So I think this is an exercise that needs a serious 8 piece of cost/benefit analysis done on it. Now, 9 government may decide it wants to make a policy decision 10 to install seat belts where it is technically feasible. 11 That's fine. As a matter of course, the way I would 12 approach this, though, is to say you need to go through 13 this cost/benefit analysis first, and I think that's 14 what should be done in this situation. 15 So, rather than taking it on the basis that people 16 think it's going to be this or going to be that, the 17 kinds of concerns that have been raised by the various 18 parties are really genuine and legitimate concerns and 19 they affect the values of the potential installation, 20 but until you have actually done that proper 21 cost/benefit analysis, it's just speculation. 22 If I had a gut feel, it's going to be that probably 23 it's not going to be worthwhile, with extensive seat 24 belt fitting, but that would be no more than a gut feel, 25 and ideally this needs to go through a proper</p>

Page 69	Page 71
<p>1 evaluation.</p> <p>2 Chairman: Because a gut feel is not good enough; you</p> <p>3 should do a cost/benefit analysis?</p> <p>4 Prof Stanley: Exactly ..."</p> <p>5 I will pick it up at line 9 again:</p> <p>6 "Prof John Stanley: Exactly. In principle, it's</p> <p>7 a pretty straightforward cost/benefit analysis. Getting</p> <p>8 some of the values or the probabilities you need will</p> <p>9 need a bit of serious research, but the process and the</p> <p>10 sorts of things you need to look for are very much</p> <p>11 encapsulated by a lot of the responses that you have</p> <p>12 read out in the various submissions."</p> <p>13 Then the rest of it talks about where you could get</p> <p>14 that type of information in Australia, which I won't</p> <p>15 read out.</p> <p>16 Another passage that I want to go to, along the same</p> <p>17 lines, is at page 149, line 4. Again, I'm picking it up</p> <p>18 in the middle of Prof Stanley's answer which focuses</p> <p>19 more on the benefits side. Line 4:</p> <p>20 "But then it's a case of what are the benefits, so</p> <p>21 then you need to look at what are the sorts of accidents</p> <p>22 that are happening in the vehicle, and, for example, is</p> <p>23 this happening to people who are standing; is it</p> <p>24 happening to people who are sitting; what is the</p> <p>25 probability that exposure to those sorts of accidents</p>	<p>1 bundle page 115, and the short passage that I want to</p> <p>2 refer you to is at page 148 of that bundle, internal</p> <p>3 pagination page 34.</p> <p>4 Ms Chan, as you can see, page 148, the topic being</p> <p>5 discussed is the bus safety standard, and the context</p> <p>6 concerns what safety devices to include as part of the</p> <p>7 bus safety standard. I will just read the third</p> <p>8 paragraph from the bottom, the paragraph starting with,</p> <p>9 "Although it is currently envisaged". I will just read</p> <p>10 out that paragraph first:</p> <p>11 "Although it is currently envisaged that the</p> <p>12 standard will apply to new buses (around 700 per annum)</p> <p>13 consideration is also being given to the potential for</p> <p>14 retrofitting to existing buses possibly as part of their</p> <p>15 midlife refurbishment which takes place around 7 years."</p> <p>16 Now, Ms Chan, it's not talking about seat belts</p> <p>17 here. The next part is what I want to focus on:</p> <p>18 "It is worth noting that TfL have adopted a rigorous</p> <p>19 approach to the assessment of each potential option</p> <p>20 using cost/benefit analysis to target the interventions</p> <p>21 which will give the greatest return for each pound spent</p> <p>22 in terms of injury/accident reduction."</p> <p>23 CHAIRMAN: I think, to put that into context, it would be</p> <p>24 useful to refer to the second paragraph under the</p> <p>25 heading "Bus safety standard", where the various</p>
Page 70	Page 72
<p>1 will be reduced in the event that seat belt-wearing is</p> <p>2 required, and what do you need to do to encourage that</p> <p>3 seat belt-wearing?</p> <p>4 If I was doing that kind of exercise, I would</p> <p>5 probably be talking to psychologists about how you would</p> <p>6 get through the message about wearing seat belts, about</p> <p>7 getting people to take this seriously. The point you</p> <p>8 make, Chair, about looking at what happens in those</p> <p>9 seats that are currently required to do it in Hong Kong,</p> <p>10 very important in terms of forming a view on the</p> <p>11 probabilities that will happen. I would be talking to</p> <p>12 whoever are the custodians of the values or the costs of</p> <p>13 different sorts of accidents. So, in other words, what</p> <p>14 is the cost of a fatal accident in Hong Kong, what is</p> <p>15 the cost of a serious injury accident, what is the cost</p> <p>16 of a minor injury accident, those sorts of things,</p> <p>17 because they will be the sorts of unit values you need</p> <p>18 to apply to the reductions in the probability of</p> <p>19 an accident of a particular kind taking place."</p> <p>20 So that's Prof Stanley's view on how a cost/benefit</p> <p>21 analysis can be carried out.</p> <p>22 I'm going to take you also to a short passage in</p> <p>23 Mr Weston's report about the London approach, and then I</p> <p>24 am going to ask for your observations. Can I take you</p> <p>25 to Mr Weston's report. The report starts at expert</p>	<p>1 technologies that have been examined are stipulated.</p> <p>2 MR DEREK CHAN: Yes. Thank you, Mr Chairman. Perhaps I can</p> <p>3 read that for the record as well.</p> <p>4 So the second paragraph under the heading "Bus</p> <p>5 safety standard" says this:</p> <p>6 "Several potential technologies including</p> <p>7 intelligent speed assistance, autonomous braking,</p> <p>8 runaway bus prevention, pedal confusion prevention,</p> <p>9 acoustic and visual conspicuity, mirror design and</p> <p>10 frontal crash protection are being considered as part of</p> <p>11 this programme with both the costs and benefits of each</p> <p>12 being thoroughly assessed to ensure that the casualty</p> <p>13 reduction is maximised in return for the financial</p> <p>14 investment made."</p> <p>15 So it would appear from the two experts' evidence</p> <p>16 that a similar rigorous cost/benefit analysis is</p> <p>17 undertaken in both jurisdictions. What I would like is</p> <p>18 the Transport Department's observations in respect of</p> <p>19 such an approach to the issue of retrofitting seat belts</p> <p>20 on franchised buses.</p> <p>21 MS MABLE CHAN: Referring to the first expert submission,</p> <p>22 I notice that the reference that a regulatory impact</p> <p>23 assessment is considered necessary to consider any</p> <p>24 mandatory requirement for the installation of seat</p> <p>25 belts, and in this second submission or evidence from</p>

Page 73	Page 75
<p>1 Transport for London, Mr Weston, it mentions about 2 cost/benefit analysis.</p> <p>3 From the Transport Department's perspective, I would 4 say that I agree that for any installation of in-vehicle 5 device to improve bus safety standard, we would need to 6 go through a robust and careful assessment. While we 7 may not be referring to the similar terminology as in 8 the case of the two expert submissions, ie the 9 regulatory impact assessment or the cost/benefit 10 analysis, the working group's observation and 11 consideration of requiring further study on the 12 feasibility and operational considerations and the 13 financial implications of the retrofitting of seat belts 14 also embraces the need to look at this issue in a more 15 systematic and holistic manner.</p> <p>16 As the chairman pointed out a little bit earlier, in 17 paragraphs 3.13 and 3.14 in the working group report, we 18 may not have mentioned about comparing this cost or 19 implications with the benefit. As a forward-looking 20 approach, when we take this forward, I agree that we 21 would have to look into these operational and technical 22 and financial considerations and compare them with the 23 benefits.</p> <p>24 Given the retrofitting of the existing buses for 25 seat belts appears to be not cost-effective at the</p>	<p>1 vehicles. But still the constraint would be those 2 vehicles are not double-decker. On the other hand, we 3 think it is also worth to further consider, because the 4 protection and the choice that can be provided to the 5 passengers would also merit our consideration of whether 6 the provision of seat belts on the upper deck passengers 7 is worth further consideration and examination.</p> <p>8 MR DEREK CHAN: Mr Chairman, if I may, I was going to move 9 into the topic of bus accident data.</p> <p>10 CHAIRMAN: Yes, but before you do that, there are some 11 questions that I'd like to ask.</p> <p>12 Have you obtained any data of the utilisation rate 13 of the seat belts that are currently installed in 14 franchised buses?</p> <p>15 MS MABLE CHAN: No. No, Chairman.</p> <p>16 CHAIRMAN: Why not?</p> <p>17 MS MABLE CHAN: Sorry, I don't have the answer.</p> <p>18 CHAIRMAN: Is that something that you intend obtaining in 19 the future?</p> <p>20 MS MABLE CHAN: That's something I would intend to do. 21 I just wish to add that we also notice the view 22 expressed by the bus operators at the working group that 23 they are inclined to think that the utilisation rate of 24 seat belts is low. I wish to add that while noting that 25 statement, we don't think, if it is true, that the</p>
Page 74	Page 76
<p>1 present moment, and it involves a number of 2 considerations, obviously, should there be any decision 3 to make it a mandatory or statutory requirement for all 4 existing buses to be installed with seat belts, in 5 particular on the upper deck, we would have to look into 6 seriously on how much marginal benefit we can achieve as 7 compared with the cost and the technical considerations.</p> <p>8 So, in short, to answer your question, I agree with 9 the expert advice that if we want to go forward with 10 a mandatory requirement, we have to go through some 11 cost/benefit analysis or impact assessment.</p> <p>12 Thank you.</p> <p>13 MR DEREK CHAN: What about the suggestion from Prof Stanley 14 and to some extent in Mr Weston's report about some 15 scientifically-based quantifiable analysis on the 16 benefits that can be achieved by the installation of 17 seat belts? Do you agree with that observation and the 18 need to do that in our present case?</p> <p>19 MS MABLE CHAN: I agree, though I think a lot of work would 20 need to be done in that perspective, because so far the 21 buses, the franchised buses, in Hong Kong, we do not 22 have such installation. So it is difficult to gather 23 the data in this sense. But still, we can go further, 24 to do some overseas research, and also we can do further 25 analysis based on the accident figures in other types of</p>	<p>1 current low or relatively low utilisation rate of seat 2 belts should not be a key factor to stop us from 3 exploring or examination or assessment of the 4 installation of seat belts on existing buses, because 5 I think this is something that both government and also 6 the bus operators should do more in passenger education.</p> <p>7 CHAIRMAN: We have received evidence from Mr Samuel Cheng, 8 the managing director of Citybus, of his personal 9 experience as somebody who travels a lot on buses that 10 seat belts are not used. Do you accept that that is 11 a fair assessment, not not used by anybody, but the very 12 low rate of use?</p> <p>13 MS MABLE CHAN: I notice his statement, although I do not 14 receive similar statement by other bus operators' 15 operations staff.</p> <p>16 Thank you, Chairman.</p> <p>17 CHAIRMAN: But do you accept what he's observed? He says he 18 goes on buses all the time.</p> <p>19 MS MABLE CHAN: Chairman, I would just accept his statement, 20 although I would like to add I also travel on buses all 21 the time.</p> <p>22 CHAIRMAN: Do you notice people wearing seat belts?</p> <p>23 MS MABLE CHAN: I'm the one using the seat belt.</p> <p>24 CHAIRMAN: Apart from you?</p> <p>25 MS MABLE CHAN: I notice a number of people actually like to</p>

Page 77	Page 79
<p>1 sit on the exposed seats, like the front seats on the 2 upper deck. On my personal experience, I have seen 3 people using the seat belt. 4 CHAIRMAN: Would it not be simplicity itself to ask the bus 5 operators to use their CCTV cameras to capture the use 6 of seat belts? For example, those upper deck seats at 7 the front. 8 MS MABLE CHAN: I think that would be a good idea, because 9 the installation of CCTV on buses, the rate, I mean the 10 number of buses installed with CCTV, have already 11 reached some 80 per cent, and CCTV are installed on the 12 upper deck, and I think this is actually a good idea 13 that we can consider. 14 CHAIRMAN: Do you have any intentions as to whether or not 15 you would seek to have the use of seat belts made 16 mandatory on buses where they are fitted? 17 MS MABLE CHAN: Should we consider this as a way forward 18 then this is exactly the point that I would like to make 19 and agree with the expert observation that we have to go 20 through a robust impact assessment before making it 21 a statutory or mandatory requirement. 22 Thank you, Chairman. 23 CHAIRMAN: Have you considered the difficulties that lie in 24 the way of making the use of seat belts mandatory on 25 a bus, a double-decked bus, with only one bus driver, no</p>	<p>1 buses? 2 MS MABLE CHAN: In a way, it may help, but on the other hand 3 I think that the enforceability and the impact -- 4 because it will have to be enforced, and implemented by 5 the bus operators. So we would certainly need to take 6 that into account seriously when we move towards any 7 step of making this as a mandatory requirement. 8 MR DEREK CHAN: Can you just remind me, for my benefit -- 9 I think we have received evidence on this, but instead 10 of me digging around for the reference -- is the wearing 11 of seat belts on public light buses a mandatory 12 requirement under statute? 13 MS MABLE CHAN: Yes. 14 CHAIRMAN: It is, is it not, and has been for quite a few 15 years? 16 MS MABLE CHAN: Yes. 2005? I don't have the exact date. 17 We can check. 18 CHAIRMAN: Yes. We have that information. We have received 19 evidence about this. 20 But perhaps this is the real point. When Chief 21 Superintendent Baker was telling us that the expectation 22 would be of a low utilisation of seat belts on 23 franchised buses, he did so having already observed that 24 there was a low utilisation on PLBs, and he also said 25 that there were real difficulties in enforcement, and in</p>
Page 78	Page 80
<p>1 conductor? How is it to be enforced; have you 2 considered that? 3 MS MABLE CHAN: I would not underestimate the issues or 4 difficulties involved in an actual operation context, in 5 particular the enforcement. We will certainly take that 6 into account when we consider the operational aspect of 7 examining the installation of seat belts on all buses. 8 Thank you. 9 CHAIRMAN: Mr Auyeung. 10 MEMBER AUYEUNG: What about education? Is there any way TD 11 can educate the public more on encouraging them to use 12 seat belts? 13 MS MABLE CHAN: This is certainly an area that we can do 14 more. We are actually working diligently on a passenger 15 education campaign. There are a number of themes, 16 regarding their attitude and their responsibility when 17 on-boarding public transport modes. The issue of seat 18 belt and the use of seat belt wherever it is available 19 is certainly an area that we would promote further. 20 Thank you. 21 MR DEREK CHAN: In that context, would a mandatory 22 requirement, leaving aside the issue of 23 enforceability -- would a mandatory requirement to wear 24 seat belts where available assist in the public 25 education, drawing on the experience in public light</p>	<p>1 fact enforcement only happened in bursts when particular 2 policemen decided to enforce it, but generally it was 3 an unenforced law. 4 MS MABLE CHAN: If I may add that -- I noticed his 5 statement, but I think it is always a chicken and egg 6 issue. I think, if we have to consider any safety 7 installation or device, to make it mandatory, we need 8 to -- when we take this to the Legislative Council, it 9 is an established practice for the administration to 10 submit our assessment, including any impact assessment, 11 to the Legislative Council for passing anything into the 12 law. We have to support that with figures and with 13 anecdotal evidence, with statistics. Whether or not it 14 could be enforceable is also one of the issues that 15 always our Legislative Councillors will raise when we 16 put something into the law. But once it is agreed and 17 passed in the law, I think it will be up to operational 18 departments, like TD, and also the enforcement agency to 19 make our best effort to ensure a law, the legislative 20 requirement, is implemented to its fullest possible. 21 Thank you, Chairman. 22 CHAIRMAN: Earlier on you said, as I recall, that if the 23 utilisation of installed seat belts on buses was to be 24 made mandatory, it would have to be enforced by the bus 25 operators.</p>

Page 81	Page 83
<p>1 MS MABLE CHAN: I think, in the outset, when a bus passenger 2 gets onto the bus, no doubt a bus captain on a bus would 3 be the first point of contact to have first-hand 4 information and knowledge about the utilisation of 5 passengers. 6 If something is written into the law, and it is 7 always the law enforcement agency's responsibility. 8 Should they receive any complaint or should they see 9 this on the roadside, it will be in their prerogative to 10 ensure that something in the law is enforced. 11 CHAIRMAN: The reason I raise that with you is because we 12 had evidence from a bus company who said they couldn't 13 possibly do that, there's one bus driver and 135 people 14 on the bus, and there are two decks to the bus. 15 MR DEREK CHAN: Chairman, we appreciate and acknowledge the 16 difficulties and the pressure on the bus captain. So 17 I think, should we go along that path to make it 18 mandatory, of course we have to be true to ourselves, to 19 make sure something written in law is enforceable, and 20 we would have to think of ways to help or equip our bus 21 operators to help ensure that the seat belt, if 22 available, can be utilised. 23 The usage of CCTV or the promotion campaign, all 24 these will be considered in ensuring this, but I think 25 at this present stage we will not take this lightly and</p>	<p>1 So, Ms Chan, my question is this. Prior to such 2 data being made available to the public through the 3 provision of it to this committee, had this data and 4 analysis been made available to the public? 5 MS MABLE CHAN: Perhaps I will start off and then I will ask 6 my colleagues to supplement. 7 Based on my knowledge and recollection, we have 8 asked the franchised bus operators to make further 9 disclosure of their accident data on an annual basis. 10 CHAIRMAN: When was that request made? 11 MS MABLE CHAN: I'm afraid that we have to provide the year 12 in which this has been included as a franchise 13 requirement. Based on my colleague's cursory knowledge, 14 it has been for quite some years. 15 CHAIRMAN: It's a franchise requirement, is it? 16 MS MABLE CHAN: Franchise requirement. 17 MR DEREK CHAN: It's a franchise requirement to provide it 18 to the Transport Department. My question is more 19 towards disclosure of it to the public. 20 MS MABLE CHAN: Yes. Let me elaborate a little bit. 21 CHAIRMAN: Yes. 22 MS MABLE CHAN: Or, actually, perhaps it may be useful if 23 I can provide a copy -- it's already there. On the 24 screen is the New World First Bus Fuller Disclosure, 25 2017.</p>
Page 82	Page 84
<p>1 we are not anywhere near the stage of making the wearing 2 of seat belts a mandatory requirement. That is why we 3 are taking a very prudent approach here. 4 Thank you. 5 CHAIRMAN: Yes, thank you. 6 Yes, Mr Chan. 7 MR DEREK CHAN: If I may move on to the next topic, which is 8 bus accident data. 9 Can I deal firstly with the present situation, as it 10 currently is. We have looked at the "Bus safety" 11 sections of the forward planning programmes, which 12 I will refer to as FPPs, of the bus operators on 13 numerous occasions, so I'm not going to go back to them, 14 but they contain a lot of data and analysis on bus 15 accidents. 16 We have also heard from the police that the police 17 do not have access to the data contained in the "Bus 18 safety" sections of the FPPs. 19 Mr Chairman, the reference to that evidence is 20 Day 17, 24 September 2018, page 19. I'm not going to go 21 to it; I'm just giving you the reference for the 22 transcript. 23 CHAIRMAN: Thank you. That's Chief Superintendent Baker, 24 isn't it? 25 MR DEREK CHAN: Yes, that's correct.</p>	<p>1 So, go down the page, at the bottom of the page, and 2 go down. 13, I think. I think this is not the example 3 I would like to refer to. Perhaps I can supply you with 4 the page of the Citybus Fuller Disclosure, 2017 -- I can 5 provide this page to the committee. 6 CHAIRMAN: Yes. We have that in our bundles. 7 Where are they, Mr Chan? 8 MR DEREK CHAN: Yes, we do. I'm looking for it now. 9 CHAIRMAN: Just give us a moment. 10 MR DEREK CHAN: The document is contained in TD-3, page 906 11 Ms Chan, is that the document you were trying to 12 locate? 13 MS MABLE CHAN: Yes. 14 CHAIRMAN: And what page, perhaps, if you've got the 15 original, the internal pagination? 16 MS MABLE CHAN: There is no page on that. 17 MR DEREK CHAN: The page number is in the top-left and 18 top-right-hand corner. 19 MS MABLE CHAN: Paginated page 909. 20 CHAIRMAN: 909? Thank you. 21 MR DEREK CHAN: The point I would like to make is the bus 22 operator, they provide the accident data in their fuller 23 disclosure report which is disclosed to the public. 24 Of course, I would need to point out that the 25 description and the outline of the accident data may not</p>

Page 85	Page 87
<p>1 go down into the further deeper level, which, as 2 circumstances require, we may ask them to provide 3 further analysis into more detail on specific causes of 4 accidents. But this is the sort of accident data 5 required to be provided in their fuller disclosure to 6 the public. 7 CHAIRMAN: You're referring to paragraph 13? 8 MS MABLE CHAN: Yes, item 13. 9 CHAIRMAN: Have you had a look at the Transport for London's 10 accident data on the internet? 11 MS MABLE CHAN: I have. It's more -- 12 CHAIRMAN: You have seen how broad that is, how it's 13 produced every quarter? 14 MS MABLE CHAN: Yes, I understand that. 15 CHAIRMAN: Is there any reason why we couldn't do that in 16 Hong Kong? 17 MS MABLE CHAN: As we shared with the chairman, the previous 18 FPP that we presented to the committee in May, on 19 a personal account, I think there are a lot of areas 20 that we can elaborate and enhance, and actually, in the 21 process of FPP in the coming 2019-2023, we have also 22 produced to the committee the letter that we have 23 written to the FB operators that the areas that we would 24 like them to further elaborate and analyse. With that 25 as the basis, there is certainly scope for us to request</p>	<p>1 disclosure, we have ventured into the area of asking the 2 bus operators to diagnose the accident causes, say by 3 bus route, down to bus route, or into very specific 4 reference to certain bus routes. So I'm not saying that 5 may be commercially sensitive, but I think we have to be 6 conscious that should that "Bus safety" chapter be made 7 as a fuller disclosure to the public -- I mean, the 8 commercial sensitivity angle would have to be taken into 9 account. 10 CHAIRMAN: Can you think of any commercial angle? I'm 11 inviting you to do so. What is there that could 12 possibly be commercially sensitive in a chapter about 13 bus safety? 14 MS MABLE CHAN: I'm just thinking of it in a theoretical 15 way, Chairman, first of all. Because the bus company is 16 also required to advise and elaborate on their plans and 17 proposals to enhance bus safety and measures to be 18 taken, so the bus operator may put in some dollar sign 19 on to some specific measure on to that programme, and 20 also the timeline for implementing that specific 21 proposal in the coming five years or so, as part of 22 their investment of the company in the forward-planning 23 exercise for the coming five years. 24 CHAIRMAN: In the "Bus safety" chapter? 25 MS MABLE CHAN: Yes.</p>
Page 86	Page 88
<p>1 the bus operators to disclose in an even greater extent 2 of the accident data for the public's information. 3 CHAIRMAN: Is there any reason why the "Bus safety" chapter 4 with the accident data that we've seen in these forward 5 planning programmes could not be made public, all of it? 6 Is there any reason? 7 MS MABLE CHAN: Obviously, we haven't gone through that 8 detailed discussion with the bus operators, as to 9 whether or not that safety chapter can be disclosed in 10 full. I just wish to point out that -- 11 CHAIRMAN: Well, can you think of any reason that it 12 couldn't be disclosed? There's nothing commercially 13 sensitive about it, is there? 14 MS MABLE CHAN: In general, there may not be any immediate 15 commercial sensitivity that I can think of in that "Bus 16 safety" chapter. 17 CHAIRMAN: By all means take time to think of it, because 18 I can't think of a single thing that would be 19 commercially sensitive so that it might not be something 20 that ought to be revealed. 21 MS MABLE CHAN: I just want to highlight one point. 22 CHAIRMAN: Yes. 23 MS MABLE CHAN: Because when we asked the franchised bus 24 operators to provide further information for the purpose 25 of the FPP, not for the purpose of the fuller</p>	<p>1 CHAIRMAN: I'm going to ask Mr Chan to take us to that -- in 2 due course, Mr Chan -- so you can explore this issue. 3 The question is, is there anything that could possibly 4 be properly commercially sensitive in this data? Please 5 come back to that later, Mr Chan. 6 MR DEREK CHAN: Yes. I will perhaps deal with that 7 particular point after lunch. 8 CHAIRMAN: Whilst we are on this topic, is there any reason 9 why this data, in the forward planning programme "Bus 10 safety" chapter, could not be disclosed to the police? 11 They said they would be delighted or happy to receive 12 it. Is there any reason why the police couldn't get it? 13 MS MABLE CHAN: Chairman, on this front, I do not see there 14 is any particular difficulty in providing this data for 15 sharing with our close partner, ie the police. 16 CHAIRMAN: So can I take that -- 17 MS MABLE CHAN: This is something that we can consider. 18 CHAIRMAN: You are only going to consider it? You can't say 19 yes, they can have it? 20 MS MABLE CHAN: I think the best I can say is that we will 21 consider that. 22 CHAIRMAN: You are open to discussing it, are you? 23 MS MABLE CHAN: Yes. 24 CHAIRMAN: Thank you. 25 MR DEREK CHAN: Again, just focusing on what is available to</p>

Page 89	Page 91
<p>1 the public --</p> <p>2 MS MABLE CHAN: Perhaps, if I may -- because the safety</p> <p>3 chapter has been compiled and provided to TD in the</p> <p>4 context of the forward planning programme, so apart from</p> <p>5 providing detailed information and analysis, the primary</p> <p>6 objective is to let the bus operator inform and advise</p> <p>7 the government and administration of their</p> <p>8 forward-planning exercise, their investments, their</p> <p>9 plans, and all that. That's why I need to take a bit of</p> <p>10 caution here that I would not at this point commit the</p> <p>11 government on any specific disclosure of a particular</p> <p>12 chapter; although, as I answered the chairman's</p> <p>13 question, that the sharing of that "Bus safety" chapter</p> <p>14 with the police is something that is worth us</p> <p>15 considering.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN: I am right, am I not, Mr Chan, in recalling that</p> <p>18 Mr Weston recommended that this data be made public?</p> <p>19 MR DEREK CHAN: Yes, I was going to go to that --</p> <p>20 CHAIRMAN: Perhaps after lunch you can come back with that</p> <p>21 reference.</p> <p>22 MR DEREK CHAN: Yes. I was going to go to the</p> <p>23 recommendations a bit later.</p> <p>24 CHAIRMAN: Thank you.</p> <p>25 MR DEREK CHAN: Again, just focusing on what the current</p>	<p>1 detail?</p> <p>2 MS MABLE CHAN: No.</p> <p>3 MR DEREK CHAN: To be fair, I understand that the Transport</p> <p>4 Department does publish road accident statistics on its</p> <p>5 website annually.</p> <p>6 MS MABLE CHAN: Yes.</p> <p>7 MR DEREK CHAN: And part of the information does relate to</p> <p>8 franchised buses. My question is more whether the</p> <p>9 disclosure goes to this level of detail.</p> <p>10 MS MABLE CHAN: No, not to that detail.</p> <p>11 MR DEREK CHAN: Again, Ms Chan, before going to the</p> <p>12 recommendations and what could be the position, I just</p> <p>13 want to establish the passing of accident data from the</p> <p>14 franchised bus operators to the Transport Department.</p> <p>15 CHAIRMAN: Before you move on to that -- just looking at</p> <p>16 annex E, given that we've been told about the</p> <p>17 considerable number of accidents that involve people</p> <p>18 losing balance on buses, which are the categories of</p> <p>19 driving behaviour that contribute to that, looking at</p> <p>20 this schedule?</p> <p>21 I ask that question because when I look at</p> <p>22 "Stopping/starting negligently", whatever that means,</p> <p>23 but let's assume stopping with harsh braking and</p> <p>24 starting with excessive acceleration, that seems to be</p> <p>25 a very small number of incidents. So what is it that</p>
Page 90	Page 92
<p>1 situation is and then looking at what could be the</p> <p>2 situation a bit later -- in the hearing on Thursday, the</p> <p>3 Transport Department provided, during the hearing</p> <p>4 itself, a document entitled, "Contributory factors of</p> <p>5 traffic accidents" with a reference "Annex E" on the top</p> <p>6 right-hand corner.</p> <p>7 I understand that that document has not yet made its</p> <p>8 way into the bundle.</p> <p>9 Ms Chan, do you have a copy of that document? It's</p> <p>10 on the screen but do you have a hard copy of that</p> <p>11 document before you? A copy is being made available to</p> <p>12 you now. (Handed).</p> <p>13 CHAIRMAN: Thank you.</p> <p>14 MR DEREK CHAN: I'll just give the context of this document.</p> <p>15 This document was provided as part of a letter that the</p> <p>16 Transport Department sent to KMB --</p> <p>17 MS MABLE CHAN: Yes.</p> <p>18 MR DEREK CHAN: -- on 21 May 2018, asking KMB to provide</p> <p>19 accident analysis in a similar format.</p> <p>20 Just for the transcript, the page reference of that</p> <p>21 letter from the Transport Department to KMB is at TD-5,</p> <p>22 page 1728.</p> <p>23 My question, actually, is quite simple. Has a table</p> <p>24 like this been made available to the public on</p> <p>25 a systematic and regular basis, going into this level of</p>	<p>1 contributes to losing balance?</p> <p>2 MR YK CHAN: Mr Chairman, making reference to this list,</p> <p>3 I would go through probably one by one.</p> <p>4 CHAIRMAN: Take your time for a moment. Take what you say</p> <p>5 is the big one, and then go down in scale.</p> <p>6 MR YK CHAN: I would say stopping and starting negligently.</p> <p>7 CHAIRMAN: But why are there so few, if that's --</p> <p>8 MR YK CHAN: This is only one of the factors. Possibly to</p> <p>9 avoid collision, probably the driver's action is to try</p> <p>10 to stop -- press hard on the brake to avoid collision,</p> <p>11 that may cause the unbalance of the passenger on board.</p> <p>12 "Overtaking/lane changing negligently", yes,</p> <p>13 certainly, that may cause passenger imbalance in there.</p> <p>14 "Driving too fast" -- it may, but if you only drive</p> <p>15 constantly too fast that may --</p> <p>16 CHAIRMAN: It's completely irrelevant, isn't it, driving too</p> <p>17 fast? It's the change of speed that makes</p> <p>18 a difference --</p> <p>19 MR YK CHAN: That is right.</p> <p>20 CHAIRMAN: -- or swerving.</p> <p>21 MR YK CHAN: No, so probably it is not a major factor to</p> <p>22 that.</p> <p>23 U-turning, it depends on the rate --</p> <p>24 CHAIRMAN: You don't see too many buses doing U-turns, do</p> <p>25 you?</p>

Page 93	Page 95
<p>1 MR YK CHAN: No.</p> <p>2 CHAIRMAN: Right.</p> <p>3 MR YK CHAN: But usually our routes will be tried out on the</p> <p>4 first hand, but when they really need to U-turn, then we</p> <p>5 should ask them to exercise caution. But U-turning may</p> <p>6 be one factor, because it involves turning direction</p> <p>7 with different speed, so it may cause imbalance.</p> <p>8 Further down: "Failing to observe traffic</p> <p>9 signals/traffic signs", it may not be.</p> <p>10 CHAIRMAN: Well, just tell us the ones that are, not the</p> <p>11 ones that are not.</p> <p>12 MR YK CHAN: "Driving inattentively" may be one. "Lost</p> <p>13 control of vehicle" may be one.</p> <p>14 CHAIRMAN: These figures don't really help us, do they?</p> <p>15 MR YK CHAN: No.</p> <p>16 CHAIRMAN: Because if one was to start with this question,</p> <p>17 "We've got a problem with people losing balance on</p> <p>18 buses; what's causing it?", where do we find that</p> <p>19 information from?</p> <p>20 MR YK CHAN: Perhaps we may do more analysis. I think we do</p> <p>21 have the consequence of the accidents, like whether,</p> <p>22 say, a passenger on board has lost balance and got</p> <p>23 injured.</p> <p>24 CHAIRMAN: Let's just take that as an example.</p> <p>25 MR YK CHAN: Based on that, I think we can do more analysis</p>	<p>1 accelerating too fast, decelerating harshly."</p> <p>2 MS MABLE CHAN: Chairman, I will try to help while my</p> <p>3 colleagues are finding some specific evidence on that.</p> <p>4 I recall that in past years, say in 2006 or 2007, in</p> <p>5 their analysis of the accidents of passengers losing</p> <p>6 balance of certain bus companies, then colleagues have</p> <p>7 noted a rise in the trend and also the number of</p> <p>8 accounts, and they have asked the companies to</p> <p>9 investigate. One of the causes then was the lack of</p> <p>10 adequate handrails along the staircase and also on the</p> <p>11 lower deck. It was arising from the analysis then that</p> <p>12 we have required the bus companies to install additional</p> <p>13 devices in the bus compartment, to help to address this</p> <p>14 particular factor of, say, passengers rolling over down</p> <p>15 the stairs onto the lower deck.</p> <p>16 CHAIRMAN: In what years was this data required and</p> <p>17 provided?</p> <p>18 MS MABLE CHAN: My colleagues are checking. I think we have</p> <p>19 reported that in one of our previous submissions.</p> <p>20 CHAIRMAN: There's no need to hurry because we have reached</p> <p>21 lunchtime. Maybe you can deal with that after lunch.</p> <p>22 MS MABLE CHAN: I can quote the reference, yes.</p> <p>23 CHAIRMAN: Thank you.</p> <p>24 We will take our lunch break now and resume at 2.30</p> <p>25 this afternoon. Thank you.</p>
Page 94	Page 96
<p>1 on the cause.</p> <p>2 CHAIRMAN: When that happens, somebody is injured on a bus</p> <p>3 because they have lost balance, they are thrown into</p> <p>4 some hard object on the bus and they are injured, does</p> <p>5 the bus operator perform an analysis of the</p> <p>6 circumstances? And there would be easy ways to do that:</p> <p>7 CCTV, to show whether or not he was braking because of</p> <p>8 a child running across the road, a car changing lanes.</p> <p>9 And then one could see if that wasn't the case, you</p> <p>10 might see that he had gone past the bus stop and was</p> <p>11 braking hard so he could stop near the bus stop. Is</p> <p>12 that kind of analysis done?</p> <p>13 MR YK CHAN: I understand bus companies do carry out such</p> <p>14 investigations.</p> <p>15 CHAIRMAN: Do they give you the results, the data, to show</p> <p>16 what has caused it?</p> <p>17 MR YK CHAN: We do not receive those information for each</p> <p>18 and every accident, but for specific incidents or</p> <p>19 accidents, we ask for more detailed information of the</p> <p>20 investigation, they will provide us with the reasoning.</p> <p>21 CHAIRMAN: I'm not asking whether or not you get data for</p> <p>22 each and every accident, but surely this information</p> <p>23 could be collated and they could say, "We have 200</p> <p>24 people injured on the buses where the bus drivers are at</p> <p>25 fault, and these are the conditions that have caused it:</p>	<p>1 (1.03 pm)</p> <p>2 (The luncheon adjournment)</p> <p>3 (2.31 pm)</p> <p>4 CHAIRMAN: Good afternoon.</p> <p>5 Yes, Mr Chan.</p> <p>6 MR DEREK CHAN: Mr Chairman, I think before the lunch break</p> <p>7 both Ms Chan and myself owed the committee a couple of</p> <p>8 references.</p> <p>9 CHAIRMAN: Yes.</p> <p>10 MR DEREK CHAN: Can I take them one by one, in turn.</p> <p>11 The first reference that the committee was</p> <p>12 interested in was in relation to Mr Weston and</p> <p>13 Prof Stanley's views about making the "Bus safety"</p> <p>14 section of the forward planning programmes public.</p> <p>15 CHAIRMAN: Yes.</p> <p>16 MR DEREK CHAN: The first reference for that can be found in</p> <p>17 the report of Prof Stanley, which is at expert bundle,</p> <p>18 page 67, internal pagination page 14 of the second</p> <p>19 report.</p> <p>20 CHAIRMAN: Thank you.</p> <p>21 MR DEREK CHAN: Again, if I can just read it out:</p> <p>22 "The forward planning programme documents are</p> <p>23 understood to be confidential documents, as between the</p> <p>24 relevant franchised bus operators and the Transport</p> <p>25 Department. The author believes that the data and</p>



Page 97	Page 99
<p>1 analysis they contain is an important part of the 2 process of an operator demonstrating their capacity to 3 operate a proper and efficient service. The fatalities 4 associated with these services are largely pedestrian 5 fatalities, making them a significant societal or 6 external cost of service operation. It is argued in 7 section 4 of this report that franchised/contracted 8 route bus operators need to be subject to performance 9 pressure to help ensure they provide a proper and 10 efficient service. Being publicly accountable for their 11 safety performance would help to sustain performance 12 pressure. There are solid arguments favouring 13 publication of the "Bus safety" chapter of the FPPs, 14 because of the wider societal costs of accidents." 15 Prof Stanley expands on this in his evidence, so 16 I will take the committee to that as well. Can I refer 17 the committee to the evidence of Prof Stanley on Day 16, 18 15 September 2018, at page 178. 19 CHAIRMAN: Yes. 20 MR DEREK CHAN: If I can pick it up at line 3. That is 21 where I am asking the question, and I am asking 22 Prof Stanley this: 23 "You make that point at page 69 of your expert 24 report. At the bull bullet point of page 69 you say: 25 "There are solid arguments favouring publication of</p>	<p>1 it would give people confidence in what the industry is 2 trying to do." 3 Can I then pick it up over the next page, at 4 page 180, where Prof Stanley deals with Mr Weston's 5 opinions on the same topic, so I can probably deal with 6 both together. 7 Picking it up at line 16, where I ask this question: 8 "Yes. Mr Weston also makes a similar point, on the 9 transparency of this sort of data. Can I quickly take 10 you to that at page 153 of the expert bundle, and if 11 I can just read you --" and can I drop to line 25: 12 "Paragraph 84, under the heading, 'Safety data 13 transparency/performance'. If I can read it out." 14 Mr Chairman, what follows is an extract from 15 Mr Weston's evidence so I will read that as well so I 16 can deal with both Mr Weston and Prof Stanley at the 17 same time. 18 CHAIRMAN: Yes. 19 MR DEREK CHAN: Reading from line 2 on page 181: 20 "It is clear from London's experience that greater 21 transparency of data necessarily the safety performance 22 of the bus network not only leads to greater stakeholder 23 and public scrutiny [but] it also leads to a sharper 24 focus from both the transport authority and its 25 contracted bus operators on the safety agenda. An open</p>
Page 98	Page 100
<p>1 the "Bus safety" chapter of the five year forward 2 planning programmes, because of the wider societal costs 3 of accidents.' 4 I think you were referring to a number of analytical 5 statistics that relate to safety issues. 6 Prof John Stanley: Yes, Mr Chan. I thought that the 7 discussion in some of those "Bus safety" chapters was 8 really informative, and it is the sort of information 9 that I believe, in the public interest, should be more 10 widely available. 11 I'm referring, for example, to the kinds of analysis 12 that was presented on the driving our links and how that 13 affects accident performance, I think it was. 14 Chairman: Yes, and non-links, as I think it was 15 established, between the number of hours you drive, the 16 age of the drivers, that sort of comparison? 17 Prof John Stanley: Exactly, Chair. Accident rate by 18 years of service, accident rate by hours of duty before 19 the accident. I mean, I think this is really good 20 analysis, and it shouldn't be stuck in documents that 21 are only available to a few select people. It's really 22 important information in the public interest, in my 23 view, and it shows that there's some really good 24 research being done, trying to come to grips with the 25 challenges that are being faced in the safety sense and</p>	<p>1 approach to incident data leads to accountability. 2 Consideration should be given to what safety data in 3 relation to the Hong Kong franchised bus network could 4 be placed into the public domain.' 5 Professor, do you agree with that or do you have any 6 other observations in that regard? 7 Prof John Stanley: I agree fully with that, Mr Chan. 8 My view generally on the Greater London Authority and 9 Transport for London is they are almost without peer in 10 terms of availability of data and information, in 11 a global sense, and they don't try [to] hide things, 12 they try [to] put it out there, and warts and all are 13 prepared to confront the sorts of challenges that that 14 shows. 15 I think that really leads to a lot of confidence in 16 that process, so I'm very supportive." 17 So those are the views of both Mr Weston and 18 Prof Stanley. 19 CHAIRMAN: Can you provide the reference for Mr Weston's 20 evidence? What day and page was that? 21 MR DEREK CHAN: The quote that I was reading out is actually 22 a reference to Mr Weston's report. 23 CHAIRMAN: Yes. Where is it? 24 MR DEREK CHAN: Expert bundle, page 153, which is internal 25 pagination page 39 of Mr Weston's report, under the</p>

Page 101	Page 103
<p>1 heading, "Safety data transparency/performance",</p> <p>2 paragraph 8.4.</p> <p>3 CHAIRMAN: That's very helpful. Thank you.</p> <p>4 MR DEREK CHAN: Hopefully, that deals with the first issue.</p> <p>5 The second and third issues deal with the contents</p> <p>6 of --</p> <p>7 CHAIRMAN: This may be an opportunity for you, Ms Chan, to</p> <p>8 respond about the issue -- if it's not yet the right</p> <p>9 opportunity say so -- of whether or not there is</p> <p>10 anything in this safety chapter accident data</p> <p>11 information that might be commercially sensitive.</p> <p>12 MS MABLE CHAN: Chairman, I have been looking through past</p> <p>13 FPP safety chapter. It appears to me that there may not</p> <p>14 be a significant part of the information that may</p> <p>15 directly relate to the commercial sensitivity of the</p> <p>16 companies involved. I would like to add that open data</p> <p>17 policy and approach is something that Hong Kong</p> <p>18 government and Transport Department is also advocating.</p> <p>19 So more transparency, greater transparency of data, in</p> <p>20 particular on safety that is of concern to members of</p> <p>21 the public, is an approach and a direction that I think</p> <p>22 TD would actively pursue and discuss with the bus</p> <p>23 operators.</p> <p>24 Thank you.</p> <p>25 CHAIRMAN: And when do you expect to be in a position to</p>	<p>1 from that, and whether their approach is commendable</p> <p>2 here, but before I do so, perhaps I can deal with one</p> <p>3 more issue arising from the "Bus safety" chapter that</p> <p>4 arose during the evidence before lunch, and that is the</p> <p>5 issue about the cause of accidents in the "Bus safety"</p> <p>6 section of the reports, a particular example being</p> <p>7 raised is the issue of people losing their balance and</p> <p>8 what causes people to lose their balance.</p> <p>9 Mr Chairman, this is actually covered, at least from</p> <p>10 what I can find, in two of the years of the "Bus safety"</p> <p>11 section, so perhaps I can take them in turn.</p> <p>12 The first in time is the "Bus safety" chapter in</p> <p>13 KMB's forward planning programme for 2017 to 2021. That</p> <p>14 can be found at KMB-12, page 5320.</p> <p>15 Ms Chan, I hope you have before you, at page 5320,</p> <p>16 the five-year plan for KMB, 2017 to 2021. Such a plan</p> <p>17 would be made available to the Transport Department</p> <p>18 around the middle to third quarter of 2016; is that</p> <p>19 correct?</p> <p>20 MS MABLE CHAN: Correct.</p> <p>21 MR DEREK CHAN: Just on the issue of loss of balance and the</p> <p>22 cause of it, as an example, can I take you to page 5324.</p> <p>23 CHAIRMAN: Just pausing there -- this plan has to be</p> <p>24 forwarded to the Transport Department by 30 June, has it</p> <p>25 not?</p>
Page 102	Page 104
<p>1 make a determination about this issue?</p> <p>2 MS MABLE CHAN: As mentioned in the past hearing, our</p> <p>3 working group will continue its work. It will be one of</p> <p>4 the topics on the agenda to explore.</p> <p>5 In parallel, we are also working with the bus</p> <p>6 operators to improve and elaborate the various analysis</p> <p>7 in the safety chapter of the FPP reports. We will also</p> <p>8 raise this issue with the bus operators in the coming</p> <p>9 months.</p> <p>10 Thank you, Chairman.</p> <p>11 CHAIRMAN: Do you expect to be able to decide this by the</p> <p>12 end of the year?</p> <p>13 MS MABLE CHAN: I may not be able to commit at this point in</p> <p>14 time, but we will try our best.</p> <p>15 Thank you, Chairman.</p> <p>16 CHAIRMAN: Yes, Mr Chan.</p> <p>17 MR DEREK CHAN: Ms Chan, as you will note from the evidence</p> <p>18 that I have just read out, there's a reference to the</p> <p>19 data being available in London being without peer.</p> <p>20 Prof Stanley said the view generally on the Greater</p> <p>21 London Authority and Transport for London is that they</p> <p>22 are almost without peer in terms of availability of data</p> <p>23 and information.</p> <p>24 The London approach is something that I will come</p> <p>25 back to in a moment, and in terms of how we can learn</p>	<p>1 MS MABLE CHAN: Yes.</p> <p>2 CHAIRMAN: And the Transport Department, together with the</p> <p>3 company, are to resolve whatever problems there might be</p> <p>4 by 30 September?</p> <p>5 MS MABLE CHAN: Yes, you are correct.</p> <p>6 MR DEREK CHAN: So if we can go to 5324, the paragraph that</p> <p>7 I'm interested in is 8.2.7, but as you can see the</p> <p>8 context of it is under -- it's contained within the</p> <p>9 section, "Accidents by nature", and it's one paragraph</p> <p>10 within a series of analysis, but this paragraph has</p> <p>11 particular relevance to the example that was being</p> <p>12 discussed in the evidence before lunch, so I will just</p> <p>13 read it out, 8.2.7:</p> <p>14 "The majority of the accidents (52.4 per cent) were</p> <p>15 due to passengers losing balance while on the bus. More</p> <p>16 than half of these cases were caused by the bus braking</p> <p>17 in traffic. Accidents with injuries sustained as</p> <p>18 a result of different kinds of collisions accounted for</p> <p>19 36.5 per cent while accidents with injury to pedestrians</p> <p>20 accounting for 4.3 per cent of all the accidents."</p> <p>21 So, in this context, the bus operators have tried to</p> <p>22 articulate the cause of the majority of the accidents</p> <p>23 arising from passengers losing their balance. Is this</p> <p>24 something that you were referring to or trying to refer</p> <p>25 to in the evidence before lunch?</p>

Page 105	Page 107
<p>1 MS MABLE CHAN: The statement I have made regarding the 2 observation of the accidents relating to passengers 3 losing balance, that I am referring to, and the 4 subsequent analysis and the action to be taken is 5 relating to passengers losing balance. 6 The thing that I would like to refer to before lunch 7 is that as an ongoing exercise, passengers losing 8 balance has been an ongoing issue of concern to us, and 9 in the 2013 franchise renewal exercise, whereby there is 10 agreement on the franchise and also the exchange of the 11 commitment letter, that we have required the company, as 12 a result of our discussion with them and analysis of the 13 accidents by nature, in particular of passengers losing 14 balance, one of the measures that we have required the 15 bus companies to do is to install and improve the 16 handrailing along the staircase, double railing along 17 the staircase, as one of the issues tackling particular 18 incidents with passengers losing balance along the 19 staircase. 20 So this is an ongoing issue of concern to us. The 21 2016 FPP has also highlighted the majority of the 22 accidents relate to passengers losing balance while on 23 the bus. So I think this is something that the bus 24 companies and also the TD have always been concerned 25 about, and we continue to take efforts to see what can</p>	<p>1 from the previous year. 2 MR DEREK CHAN: Yes. 3 CHAIRMAN: The majority of the accidents is 51.5 here, as 4 opposed to 52.4: 5 "... due to passengers losing balance while on the 6 bus. More than half of these cases were caused by the 7 bus braking in traffic." 8 That's the same observation as the year before. 9 MR DEREK CHAN: Yes. 10 CHAIRMAN: Thank you. 11 MR DEREK CHAN: Ms Chan, I see you are looking for 12 something. 13 MS MABLE CHAN: Yes. I am actually trying to identify the 14 reference, as an example of the enhanced safety feature 15 of double handrailing at staircase in our letter to the 16 KMB -- 17 CHAIRMAN: Feel free to come back to that at a suitable 18 opportunity. Don't be distracted. I'm sure somebody 19 next to you can help you. 20 Mr Chan, in the analysis that we have seen of this 21 kind of accident data, is there not an analysis 22 somewhere about the liability for accidents? In other 23 words, 100 accidents but only -- I think this is the 24 figure -- 75 per cent caused by others, 25 per cent by 25 our bus captains?</p>
Page 106	Page 108
<p>1 be further done. 2 Thank you. 3 MR DEREK CHAN: Ms Chan, I want to follow up with you the 4 Transport Department's monitoring of harsh braking 5 situations, since you have mentioned that it's a cause 6 for concern to the department. 7 CHAIRMAN: Before you do so, perhaps those who are not on 8 their feet might assist you by finding the reference in 9 the franchise renewal to a requirement that a handrail 10 be fitted to the staircase. 11 MR DEREK CHAN: Yes. 12 MS MABLE CHAN: We can also refer to the -- 13 CHAIRMAN: Thank you. It doesn't have to be done 14 immediately; at some suitable time. 15 Yes, Mr Chan. 16 MR DEREK CHAN: Before I go to the harsh braking issue, 17 Mr Chairman, I have referred to the 2017-2021 FPP. 18 Perhaps I will just give you the reference to the same 19 or similar paragraph in the 2018-2022 FPP. 20 CHAIRMAN: Of KMB? 21 MR DEREK CHAN: Yes, of KMB. The page reference is TD-1, 22 page 180, that's where the report starts, and page 183 23 is where you find a similar paragraph. 24 At paragraph 8.2.7 -- 25 CHAIRMAN: It's a replica with a slightly different figure</p>	<p>1 MR DEREK CHAN: That analysis -- yes, it's in the "Bus 2 safety" chapter for 2019-2022, which is the one that was 3 handed in in August 2018, where they actually split the 4 driver contributory causes. 5 CHAIRMAN: Whilst we are dealing with this topic, could we 6 have a look at that? What is the reference to that? 7 MS MABLE CHAN: Chairman, the paragraph 8.2.10 on page 5325 8 refers to the statement that you recall. 9 CHAIRMAN: Thank you very much. 10 MS MABLE CHAN: "The breakdown of liability in the two-year 11 period is shown in table 8.3 below. For 79 per cent of 12 the cases, the bus captains were not blameworthy. The 13 pending cases ... are those pending for police 14 action ..." 15 CHAIRMAN: Mr Chan, the bundle reference? Is that KMB-12? 16 MR DEREK CHAN: Yes, that's the following page. 17 CHAIRMAN: Yes. 18 MR DEREK CHAN: So we are still in the 2017 FPP. 19 CHAIRMAN: Yes. It may be it's repeated elsewhere, but in 20 this document liability is assessed at 25 per cent for 21 bus captain. 22 MR DEREK CHAN: Yes. I think Mr Chairman will recall the 23 evidence, in terms of the 2018 FPP, the Transport 24 Department issued a letter in May 2018, annexing that 25 table that we have just seen on Thursday and today,</p>

Page 109	Page 111
<p>1 which --</p> <p>2 CHAIRMAN: Annex E?</p> <p>3 MR DEREK CHAN: Exactly, which separates factors caused by</p> <p>4 bus captains, and factors not caused by bus captains,</p> <p>5 and the request made to KMB to further break down</p> <p>6 accidents in that sort of category, which actually led</p> <p>7 to an even more detailed analysis in the 2018 "Bus</p> <p>8 safety" section that relates to 2019-2023. So that's</p> <p>9 where we get a lot of analysis in the next "Bus safety"</p> <p>10 chapter, even more detailed, that splits it into driver</p> <p>11 contributory factors and non-driver contributory</p> <p>12 factors.</p> <p>13 CHAIRMAN: Where is the 2019 five-year plan?</p> <p>14 MR DEREK CHAN: It's in the same bundle, KMB-12, at</p> <p>15 page 5011. That is where it starts.</p> <p>16 For example --</p> <p>17 CHAIRMAN: Give me a moment.</p> <p>18 MR DEREK CHAN: Sorry.</p> <p>19 CHAIRMAN: Yes.</p> <p>20 MR DEREK CHAN: For example, at page 5016, we see a similar</p> <p>21 heading, "Accidents by nature", and again you see the</p> <p>22 breakdown. But at page 5020 there is a new chart,</p> <p>23 "Accidents by cause", and it's broken into bus captains'</p> <p>24 blameworthy factors and -- the "Accidents by nature"</p> <p>25 part, there's no breakdown of bus captains blameworthy</p>	<p>1 investigated through the police proceedings. Then they</p> <p>2 will identify which is relating to the drivers' fault</p> <p>3 and which accidents are not. Based on that information,</p> <p>4 bus companies will also differentiate those accidents by</p> <p>5 the specific type of causes relating to the bus</p> <p>6 captain's behaviour.</p> <p>7 CHAIRMAN: If the bus captain is being prosecuted that would</p> <p>8 be a very easy way to say, "That's our liability", but</p> <p>9 I'm asking you: is that not something that you asked</p> <p>10 them, "How are you reaching these figures"?</p> <p>11 MS MABLE CHAN: I do not have a ready answer because the</p> <p>12 colleagues involved in the discussion with KMB are not</p> <p>13 the persons involved on this table. If you can allow</p> <p>14 us, we can perhaps supplement with an example to</p> <p>15 illustrate how we test the data with the bus company.</p> <p>16 CHAIRMAN: Mr Auyeung.</p> <p>17 MEMBER AUYEUNG: Maybe the other way to ask the question is</p> <p>18 the Transport Department gives those categories to fill</p> <p>19 in? So are these classifications identified by the</p> <p>20 Transport Department?</p> <p>21 MS MABLE CHAN: Chairman, based on my knowledge and the</p> <p>22 advice from our colleagues, this information is compiled</p> <p>23 by the company themselves.</p> <p>24 CHAIRMAN: So the categories are their categories, not</p> <p>25 yours?</p>
Page 110	Page 112
<p>1 or not blameworthy, and then at 8.2.3, there is that</p> <p>2 breakdown of bus captain blameworthy factors which we</p> <p>3 don't find in previous FPPs.</p> <p>4 CHAIRMAN: Yes. Thank you.</p> <p>5 Ms Chan, can I ask you this. We are looking now at</p> <p>6 the data that the bus company KMB have been compiling.</p> <p>7 Do you know how it is that they compile this data; how</p> <p>8 do they determine liability or non-liability?</p> <p>9 MS MABLE CHAN: Chairman, I'm afraid I do not have the ready</p> <p>10 answer.</p> <p>11 CHAIRMAN: Has there been no correspondence when these kinds</p> <p>12 of figures were asked to be produced, "How is it that</p> <p>13 you are producing them?" Not that you're aware of?</p> <p>14 Nobody asked them?</p> <p>15 MS MABLE CHAN: It is as part of the process that colleagues</p> <p>16 will discuss with them and get the analysis. I have to</p> <p>17 be careful, at this juncture, not to give you any</p> <p>18 conclusive or misleading answer.</p> <p>19 CHAIRMAN: Certainly don't give us misleading answers. But</p> <p>20 somebody must know how this data is tested. Somebody at</p> <p>21 the Transport Department surely tests the data. How are</p> <p>22 you doing it?</p> <p>23 MS MABLE CHAN: Based on our knowledge, because regarding</p> <p>24 accidents involving bus captains, the liability, very</p> <p>25 often the accidents will have to be determined and</p>	<p>1 MS MABLE CHAN: Not our category.</p> <p>2 CHAIRMAN: Frankly, looking at these figures, it's very</p> <p>3 difficult to understand how it is that 25 per cent of</p> <p>4 all accidents are caused by passengers losing balance,</p> <p>5 with those figures. Has nobody troubled to ask them</p> <p>6 what this all means?</p> <p>7 Anyhow, perhaps you could provide us with</p> <p>8 an explanation for what action, if any, has been taken</p> <p>9 by the Transport Department, and if possible illustrate</p> <p>10 it with correspondence, indicating the enquiries that</p> <p>11 were made and the responses that were given -- if they</p> <p>12 were made orally, then it can be dealt with by</p> <p>13 identifying the conversations, the dates, the persons --</p> <p>14 so that we can have an evidential basis for</p> <p>15 understanding this data.</p> <p>16 MS MABLE CHAN: Thank you, Chairman.</p> <p>17 MR DEREK CHAN: Ms Chan, can I follow up with you the</p> <p>18 concern that the Transport Department has on the issue</p> <p>19 of harsh braking.</p> <p>20 At the moment, how does the Transport Department</p> <p>21 monitor harsh braking behaviour of bus captains, if at</p> <p>22 all?</p> <p>23 MS MABLE CHAN: Chairman, I'm just confirming my</p> <p>24 understanding with my colleagues.</p> <p>25 CHAIRMAN: Yes, of course. Please take your time.</p>

Page 113	Page 115
<p>1 MS MABLE CHAN: Chairman, based on our previous submissions 2 to the committee, the Transport Department has been 3 asking the franchised bus operators to submit 4 information on the number of random checks and how they 5 monitor the black box administration of the franchised 6 buses. So our monitoring is based on the information 7 provided by them.</p> <p>8 In the past few months, we have, in the course of 9 the working group discussion, discussed with the 10 franchised bus operators on enhancing the black box 11 features and functions, and based on the updated minimum 12 requirements on the black box, we are asking the 13 franchised bus operators to provide further information 14 on the event logs of the black box data as captured in 15 their regular monitoring.</p> <p>16 So we will continue to monitor in particular 17 regarding the specific misbehaviour of the bus captains, 18 including harsh braking or braking suddenly.</p> <p>19 CHAIRMAN: What is the further information on the event logs 20 that you have asked for?</p> <p>21 MS MABLE CHAN: Chairman, the event logs, as logged by the 22 black box, will include vehicle speed, harsh 23 acceleration, harsh deceleration. So different 24 companies may have slightly different thresholds for the 25 event logs and also for issuing real-time alerts to the</p>	<p>1 MS AMY TSE: We understand that KMB has been setting some 2 thresholds for speed limit and harsh acceleration and 3 harsh deceleration. So we welcome this initiative, so 4 we discuss with Citybus, New World First Bus and NLB, to 5 see if they could also generate this type of threshold 6 as a way to monitor their bus drivers' driving 7 performance.</p> <p>8 Thank you.</p> <p>9 CHAIRMAN: What are the thresholds that you understand that 10 KMB have now set for speed limit, harsh acceleration, 11 I think that's probably described as sudden 12 acceleration, and harsh deceleration. What are the 13 those thresholds?</p> <p>14 MS AMY TSE: For KMB and Long Win, the harsh acceleration 15 threshold is vehicle accelerates at a speed of over 16 4 kilometres per second, and for harsh deceleration, 17 vehicle decelerates at a speed of over 7 kilometres per 18 second.</p> <p>19 CHAIRMAN: And speed?</p> <p>20 MS AMY TSE: Yes, the speed.</p> <p>21 CHAIRMAN: What about the speed?</p> <p>22 MS AMY TSE: For speed it's vehicle speed over 70 kilometres 23 per hour or above. For Citybus, we understand they are 24 also using the latest technology to define the road 25 sections with speed limits of 50 kilometres per hour and</p>
<p>Page 114</p> <p>1 bus companies. So this is the area that we are working 2 with the bus companies on allowing the event logs to be 3 provided to the Transport Department.</p> <p>4 CHAIRMAN: The updated minimum requirements came in in 5 August, did they not?</p> <p>6 MS MABLE CHAN: Yes, there is -- yeah.</p> <p>7 CHAIRMAN: So, presumably, this request for further 8 information about event logs was made after that?</p> <p>9 MS MABLE CHAN: Yes, corresponding --</p> <p>10 CHAIRMAN: When was it made? 11 Was it made in correspondence?</p> <p>12 MS MABLE CHAN: It is not made in correspondence, but we 13 have met the Citybus -- I'm sorry, can I repeat again?</p> <p>14 CHAIRMAN: Yes.</p> <p>15 MS MABLE CHAN: Colleagues, further to the issue and update 16 of the basic minimum requirements of the black box, have 17 first met with Citybus company on 26 September regarding 18 the new requirements on the event logs and the 19 submission of the data. We haven't done that with KMB 20 but we are in the process of doing so.</p> <p>21 CHAIRMAN: And were the Transport Department representatives 22 any of the people who are present here today?</p> <p>23 MS MABLE CHAN: Yes, Amy, Amy Tse.</p> <p>24 CHAIRMAN: Perhaps Ms Tse can help us as to what this new 25 information was.</p>	<p>Page 116</p> <p>1 with the aid of the digital maps --</p> <p>2 CHAIRMAN: This is not the latest technology, is it? This 3 is technology that's existed for years?</p> <p>4 MS AMY TSE: Yes, I understand.</p> <p>5 CHAIRMAN: Perhaps the way to put it is that the use that is 6 now made of long-existing technology.</p> <p>7 MS AMY TSE: Yes, it's their use of the technology. 8 And for other road sections with a speed limit of 9 70 kilometres per hour in the black box.</p> <p>10 Thank you.</p> <p>11 CHAIRMAN: And what was the result of your requests of 12 Citybus?</p> <p>13 MS AMY TSE: For Citybus and New World First Bus, they 14 replied that they are willing to study, but they have 15 a concern of what type of threshold to set for the 16 deceleration and the acceleration, because the accident 17 may be a bit complex, so they need to discuss with the 18 unions to see whether a specific threshold could be set. 19 For NLB --</p> <p>20 CHAIRMAN: Just before you move on -- sorry to interrupt -- 21 but specific thresholds have been delineated by KMB. 22 Are you suggesting that they were concerned about the 23 thresholds that KMB had set?</p> <p>24 MS AMY TSE: Yes, we share KMB's threshold setting 25 information with Citybus and New World First Bus, and</p>

Page 117	Page 119
<p>1 they are willing to study it.</p> <p>2 CHAIRMAN: I understand that. You said they were concerned</p> <p>3 about the thresholds that had been set, so are you</p> <p>4 saying they were questioning the thresholds that KMB had</p> <p>5 imposed?</p> <p>6 MS AMY TSE: They need to study it before they make</p> <p>7 a decision.</p> <p>8 CHAIRMAN: That was because they were concerned about the</p> <p>9 level of the thresholds; do I understand you?</p> <p>10 MS AMY TSE: Yes.</p> <p>11 MS MABLE CHAN: Chairman, can I add a word on that?</p> <p>12 CHAIRMAN: Of course.</p> <p>13 MS MABLE CHAN: In my recent exchange with Citybus, I wish</p> <p>14 to add to what Ms Tse has added, by expressing that they</p> <p>15 need to study and see if that threshold can be</p> <p>16 implemented in the Citybus case, the Citybus management</p> <p>17 is considering how it could be operated and then to</p> <p>18 consider the follow-up actions, if any, by</p> <p>19 non-compliance by the bus captains. So they are</p> <p>20 considering the operational issues regarding the</p> <p>21 applicability of the threshold.</p> <p>22 CHAIRMAN: Yes, Mr Chan.</p> <p>23 MR DEREK CHAN: You mentioned that KMB already has</p> <p>24 a threshold system in place, and I think Ms Tse</p> <p>25 mentioned -- I'll just focus on harsh braking because</p>	<p>1 apply braking, either acceleration or deceleration. So</p> <p>2 I think they will have to take that into account in</p> <p>3 an actual operational context, to see if the exception</p> <p>4 report with the threshold can actually help them to</p> <p>5 monitor in a very effective way.</p> <p>6 MR DEREK CHAN: So am I understanding you correctly that</p> <p>7 insofar as this aspect, in terms of what generates</p> <p>8 an exception report, the Transport Department leaves it</p> <p>9 to the judgment of the franchise operator; would that be</p> <p>10 a fair way of doing it?</p> <p>11 MS MABLE CHAN: At the present moment, I think the process</p> <p>12 is ongoing, but we would certainly be very interested</p> <p>13 and we consider that it is also necessary and effective</p> <p>14 to know the threshold and how they generate the</p> <p>15 exception report, so that it can help us to focus on</p> <p>16 investigating the causes of the accidents, leading to</p> <p>17 passengers losing balance, because this is an ongoing</p> <p>18 issue of concern, and the hard braking has been</p> <p>19 identified as one of the key factors contributing. So</p> <p>20 with the black box function and the generation of the</p> <p>21 exception reports, we would very much like to pursue and</p> <p>22 look into this further in our working group.</p> <p>23 MR DEREK CHAN: If I may then move away from the issue of</p> <p>24 harsh braking and back into the more general topic of</p> <p>25 bus accident data.</p>
Page 118	Page 120
<p>1 it's easier if I focus on an example.</p> <p>2 Does the Transport Department know whether the</p> <p>3 monitoring done by KMB of harsh braking allows them to</p> <p>4 focus on harsh braking on an incident-by-incident basis,</p> <p>5 or what does the Transport Department know about that?</p> <p>6 MS MABLE CHAN: What we know is that they have set the</p> <p>7 threshold, and for monitoring, because of the black box</p> <p>8 availability, of the black box function, the black box</p> <p>9 can actually generate exceptional reports of</p> <p>10 non-compliance or exceedance of the threshold. So we</p> <p>11 know that the bus operator is using this function to</p> <p>12 help them to monitor as well.</p> <p>13 CHAIRMAN: So, as you understand it, KMB can use the black</p> <p>14 box to generate exceptional reports of harsh braking?</p> <p>15 MS MABLE CHAN: Yes. The same also applies to Citybus and</p> <p>16 New World. They would also use the black box function</p> <p>17 to generate exception reports.</p> <p>18 MR DEREK CHAN: It's your understanding, and I'm simply</p> <p>19 asking for the Transport Department's understanding, of</p> <p>20 these exception reports, do they identify individual</p> <p>21 instances of harsh braking?</p> <p>22 MS MABLE CHAN: I cannot speak on behalf of the franchised</p> <p>23 bus operators but the black box function and technology</p> <p>24 and the generation of the exception reports will help</p> <p>25 them to monitor to a great extent how the bus captains</p>	<p>1 We know from the evidence that the Transport</p> <p>2 Department shares a database with the police, that is</p> <p>3 the case management information system, and the</p> <p>4 Transport Department would obtain data and do its own</p> <p>5 analysis from that database. So that's one part of the</p> <p>6 information that's available to the Transport</p> <p>7 Department.</p> <p>8 What I want to focus on is the other part of the</p> <p>9 information, which is the accident data from the</p> <p>10 franchised bus operators.</p> <p>11 We know from the "Bus safety" section of the FPPs,</p> <p>12 the bus operators make available its own data along with</p> <p>13 its own analysis to the Transport Department once</p> <p>14 a year. So, leaving that aside, and excluding major</p> <p>15 incidents where the Transport Department would obviously</p> <p>16 require the bus companies to submit an investigation</p> <p>17 report as we have seen in the Tai Po accident, would</p> <p>18 there be any other systematic and regular reporting of</p> <p>19 bus accident data by the bus operators?</p> <p>20 MS MABLE CHAN: I am checking some of my notes.</p> <p>21 MR DEREK CHAN: Yes. So leaving aside the "Bus safety"</p> <p>22 chapter and leaving aside major incidents.</p> <p>23 MS MABLE CHAN: I would invite Ms Tse to reply on that.</p> <p>24 CHAIRMAN: Yes, Mr Tse.</p> <p>25 MS AMY TSE: So each month we obtain the information from</p>

Page 121	Page 123
<p>1 the police, and we will analyse the data from the</p> <p>2 police, and if we find that the accident rate has been</p> <p>3 increasing or some abnormal situation, we will write to</p> <p>4 or we will discuss with the operators and find out the</p> <p>5 situation or any rectification or any things that have</p> <p>6 to be done.</p> <p>7 Thank you.</p> <p>8 MR DEREK CHAN: Can I perhaps illustrate what I'm asking</p> <p>9 with a very simple example. Say an incident involving</p> <p>10 an old lady losing her balance in the bus, she injures</p> <p>11 herself slightly, I imagine not reported to the police,</p> <p>12 but the bus operator was aware of the incident and keeps</p> <p>13 its own records.</p> <p>14 Would the Transport Department know about this</p> <p>15 incident, or would it simply form part of the accident</p> <p>16 data submitted under the "Bus safety" section?</p> <p>17 MR PATRICK WONG: Mr Chairman, may I take this question? As</p> <p>18 explained by Ms Tse, what we did was for the incidents,</p> <p>19 we rely on the police cases which have been</p> <p>20 investigated. For those mentioned by the SC, at the</p> <p>21 moment we do not receive that sort of information,</p> <p>22 because it happens basically every day. So the answer</p> <p>23 is "no".</p> <p>24 MR DEREK CHAN: I'm going to go on to the London approach on</p> <p>25 something like this in a moment, but before I do that,</p>	<p>1 will also compare with the database that we have access</p> <p>2 to. Should there be any discrepancy or differences, we</p> <p>3 will also point it out in the management board.</p> <p>4 Thank you.</p> <p>5 CHAIRMAN: So you don't specifically cross-check?</p> <p>6 MS MABLE CHAN: We don't specifically cross-check but we</p> <p>7 will also look into and see whether there is any area of</p> <p>8 discrepancy and difference.</p> <p>9 CHAIRMAN: Can you help me, at least, as to what it is that</p> <p>10 you mean by your colleagues on the management boards</p> <p>11 giving you accident data, if that's what you were</p> <p>12 saying?</p> <p>13 MS MABLE CHAN: I am one of the directors on the management</p> <p>14 board. In preparation for the management board</p> <p>15 discussion, in looking at the accident data or the</p> <p>16 safety report submitted by the company to the board,</p> <p>17 colleagues will also have access to the data provided by</p> <p>18 the company and then we will compare it with the</p> <p>19 database that we have, and should there be any case that</p> <p>20 differs, then we will make that remark and point it out</p> <p>21 at the management board and ask them that they would</p> <p>22 have to make sure that their data should align with the</p> <p>23 police data available.</p> <p>24 Thank you.</p> <p>25 CHAIRMAN: I'm trying to understand: what role do these</p>
Page 122	Page 124
<p>1 can I establish one more fact about what the Transport</p> <p>2 Department does with the two sets of data.</p> <p>3 When you have the bus safety data from the bus</p> <p>4 operators annually under the "Bus safety" chapter, does</p> <p>5 the Transport Department do any crossmatching between</p> <p>6 the two data sets that it receives, one from the police</p> <p>7 and one from the bus operators? Does the Transport</p> <p>8 Department do any crossmatching exercise?</p> <p>9 MS MABLE CHAN: Based on my knowledge, with the involvement</p> <p>10 of Mr Tony Yau's road safety division and also the Bus</p> <p>11 and Railway Branch, I can confirm that in our</p> <p>12 preparation for the forward-planning exercise, we did</p> <p>13 look at the data submitted by the company and also we</p> <p>14 looked into the police data. We may not compare it one</p> <p>15 by one, but we will look at it on a trend analysis,</p> <p>16 and if there is any obvious discrepancy then it is</p> <p>17 certainly the areas that we will question and ask for</p> <p>18 further analysis.</p> <p>19 I can also mention that because the government has</p> <p>20 also representative on the management boards of the bus</p> <p>21 operators, on the board discussion they will also at</p> <p>22 times submit some information on the accident data. We</p> <p>23 will also look at that, and in preparation of our</p> <p>24 discussion at the management boards, our colleagues will</p> <p>25 also look at those regular accident data and then we</p>	<p>1 government directors on the management of the companies'</p> <p>2 boards perform? Are you suggesting that they are</p> <p>3 a channel, separate channel, for information to the</p> <p>4 Transport Department?</p> <p>5 MS MABLE CHAN: I would not say that it is a separate</p> <p>6 channel to the Transport Department.</p> <p>7 CHAIRMAN: Well, what are you saying?</p> <p>8 MS MABLE CHAN: I just would like to mention some forum at</p> <p>9 which there may be also availability of this accident</p> <p>10 data, and a government director being present on the</p> <p>11 management board would also have the opportunity to make</p> <p>12 our comments and observations on the information</p> <p>13 provided by the company.</p> <p>14 CHAIRMAN: Thank you.</p> <p>15 MR DEREK CHAN: If I may, Ms Chan, then take you to the</p> <p>16 London approach. I am going to take you to a few</p> <p>17 documents so that we have a more complete picture on the</p> <p>18 evidence that we have on how Transport for London</p> <p>19 approaches the issue of data transparency.</p> <p>20 Can I start first by going to Mr Weston's report at</p> <p>21 page 141 of the expert bundle.</p> <p>22 Mr Chairman, internal pagination page 27 of</p> <p>23 Mr Weston's report.</p> <p>24 CHAIRMAN: Thank you. Yes.</p> <p>25 MR DEREK CHAN: The expert bundle, page 141.</p>

Page 125	Page 127
<p>1 Ms Chan, maybe I can just read bits of this out and 2 then ask you to comment on some of them. I will be 3 pausing and asking you to comment on individual 4 paragraphs. 5 Firstly, under paragraph 6.2, Mr Weston says this: 6 "As part of bus operators' contractual requirements, 7 they are required to submit comprehensive data relating 8 to incident and accidents which have occurred across the 9 network. This data is submitted through IRIS (incident 10 reporting information system) although in the case of 11 serious [accidents] these will be reported and monitored 12 in real time through TfL's central control room who will 13 work with other agencies to manage the [immediate] 14 response to the incident. 15 TfL also publish STATS19 data which is the national 16 data set of road traffic collisions involving death or 17 personal injury. This data is compiled by the police 18 and is published on a quarterly basis." 19 Pausing here, Transport for London appears to be 20 working on a similar concept as the Transport Department 21 here, in the sense that they have two data sets, one 22 from the bus operators and one from the police, and it 23 would be the data set from the bus operators which I am 24 most interested in, in comparing what, if anything, 25 Hong Kong can do to improve on this front.</p>	<p>1 to Mr Weston's report, is it not? 2 MR DEREK CHAN: It is a web link. 3 CHAIRMAN: Yes, but it's -- I'm asking you this question, 4 really. I have a file that has printed out the data you 5 are describing. Is that material in our bundle? 6 MR DEREK CHAN: I see that the secretariat has pulled up the 7 table on the screen. My understanding is we have 8 separately downloaded the data from the internet, but 9 not having incorporated it into the bundles in paginated 10 form. 11 CHAIRMAN: So you can illustrate it from what's on the 12 screen? 13 MR DEREK CHAN: Yes. 14 CHAIRMAN: It says "Q1, 2018". 15 MR DEREK CHAN: Yes. Perhaps I can just describe for the 16 record what's being shown on the screen. 17 CHAIRMAN: Yes. 18 MR DEREK CHAN: It is one data set that has been downloaded 19 from Transport for London's website, and in the page on 20 the screen that you can see, it is in relation to the 21 accidents that occurred in January 2018, and on the 22 spreadsheet we can see each incident, the route, the 23 operator, the borough, the injury result description, 24 victim's sex, adult/child, victim casualty category, 25 et cetera, et cetera.</p>
Page 126	Page 128
<p>1 If I can drop down to the second paragraph from the 2 bottom of the same page: 3 "Every quarter TfL publish Excel spreadsheets 4 listing all reported incidents which occurred across the 5 network and include the following information for each 6 incident -- route, date, operator, location in terms of 7 London borough, injury result (treated at scene, taken 8 to hospital), details of the injured party whether 9 passenger, third party, their gender and, if known, 10 their age. 11 TfL also publish, on a quarterly basis a bus safety 12 dashboard which provides a narrative of the published 13 data and trend analysis with previous quarters." 14 Over the page: 15 "This openness, and the associated increased 16 scrutiny from stakeholders, encourages accountability 17 from both TfL and its contracted bus operators for 18 safety performance and encourages continuous 19 improvement." 20 Just pausing here and going back to the issue of the 21 Excel spreadsheet listing all reported incidents which 22 occur across the bus network -- do you have any 23 observations as to the utility of publishing data down 24 to this level of detail? 25 CHAIRMAN: Before you ask that question, this is an appendix</p>	<p>1 CHAIRMAN: Is there any information that goes off to the 2 right-hand side, as I am looking at it? Yes, so there 3 is. 4 So let's categorise, as we are looking at it -- are 5 you able to see this? 6 MS MABLE CHAN: Yes. 7 CHAIRMAN: What we call "loss of balance", they call "slip, 8 trip and fall". 9 MS MABLE CHAN: Yes. 10 CHAIRMAN: And we can see the frequency with which they have 11 that problem as well. 12 MR DEREK CHAN: Ms Chan, my question was: do you see any 13 utility in the context of Hong Kong for setting up 14 a kind of reporting system and making public information 15 to this level of detail? 16 MS MABLE CHAN: Perhaps I may make a few preliminary 17 observations. The information set out on the screen, on 18 the details of the incidents, as mentioned in Transport 19 for London's evidence, is down to the very detail of the 20 individual incident. I think, in the Hong Kong context, 21 we are not yet in that position, to track down to every 22 incident to that level of detail. At the present 23 moment, we will have an established system to keep track 24 of fatal accidents regarding the route involved, the 25 operator, the victim involved and the driver involved.</p>



Page 129	Page 131
<p>1 I personally think that while we will advocate open 2 data and transparency, so as to enhance the 3 accountability of both the regulatory authority and the 4 transport operators, the publication or disclosure on 5 every incident with that detail may not -- while it may 6 help to enhance transparency and accountability, it may 7 also go far beyond the level of detail that the public, 8 members of the public, may be interested to know. 9 I wish to point out also -- 10 CHAIRMAN: But isn't that a matter for the public? If they 11 are not interested in it they wouldn't bother reading 12 it, but they can't read it if it's not available. 13 MS MABLE CHAN: And also, very often, the incident, once 14 happened, there could be a lot of subsequent 15 developments, regarding the situations of the passengers 16 involved and the pedestrians involved. So I think, once 17 we have to consider disclosure on an incident basis, the 18 timely updating and ensuring the factual accuracy of the 19 information in this format will also have to be 20 considered, because we have to make sure that the public 21 that has access to this kind of information can have 22 correct knowledge of what happened in those particular 23 incidents. 24 CHAIRMAN: No doubt that's what they do in London. Are you 25 suggesting we're not capable of doing this in Hong Kong?</p>	<p>1 The point I would like to add is when we consider 2 whether or not we would disclose or provide the 3 information in this format, we will also have to 4 consider how this information will have to be further 5 updated or elaborated, once it is promulgated. 6 CHAIRMAN: What update do you need to make from this? 7 A female is not going to become male. Adult is not 8 going to become a child. The accident is not going to 9 happen in another place. What's the update? 10 MS MABLE CHAN: Chairman, because in particular I notice 11 that there is a column showing the injury description. 12 CHAIRMAN: Yes. 13 MS MABLE CHAN: My point is while this table will present 14 a factual account of the injury description at the 15 juncture or immediately, we, from the administration's 16 point of view, also need to consider whether or not 17 there would need to be further updates on the injury 18 description and whether there is any development on 19 that, because I think once the public get this 20 information, there may be also further follow-up 21 questions from the members of the public on what 22 follow-up action has been done and are there any further 23 developments. 24 So this is something that we would need to discuss 25 further with Transport for London, on how to feed back</p>
Page 130	Page 132
<p>1 MS MABLE CHAN: No. That's why the third point I would like 2 to make, as I mentioned the day before, we are also 3 hoping to learn more from Transport for London and the 4 Road Safety and Standards Division colleagues have 5 arranged a visit to Transport for London in February 6 2019. This is one of the areas that we would like to 7 learn more about the preparation, the issues and also 8 the resources that are required and how they discuss and 9 liaise with the various bus operators, and also to have 10 to verify the data with the police department, so as to 11 see how this kind of information in this format will 12 actually help to enhance transport data accountability 13 and transparency while not causing any complications in 14 the disclosure process. 15 CHAIRMAN: What are the complications when looking at this 16 bland information: the date of an accident, the route of 17 the bus, the bus operator, the garage from which it 18 came, the place at which it happened, the nature of the 19 injury, male/female, adult/child, type of injury, and 20 whether or not it's a passenger or presumably somebody 21 else, a driver? 22 MS MABLE CHAN: Yes. Mr Chairman, I think the information 23 here, tabulated in this form, will serve to provide 24 members of the public a simple and factual account of 25 the incident.</p>	<p>1 to this kind of information disclosure, if there is. 2 CHAIRMAN: Thank you. May I ask that we have a paper copy 3 of this page, so that we can follow for our records what 4 it is we've been looking at, and could that be 5 distributed to everybody. 6 Yes, Mr Chan. 7 MR DEREK CHAN: Ms Chan, you mentioned a moment ago 8 Hong Kong, we, are not in a position to look at this on 9 an incident-by-incident basis. But that's because the 10 operators at the moment are not required to report on an 11 incident-by-incident basis; is that correct? 12 MS MABLE CHAN: Yes. 13 MR DEREK CHAN: If we look at London's reporting 14 obligations -- and perhaps I can ask you the 15 practicalities of setting up that sort of system or the 16 utility as well, and for that can I please take you to 17 bundle MISC-3, page 1189, which is a publication from 18 Transport for London, titled, "Update on bus safety 19 programme". 20 Ms Chan, the passage that I'm going to take you 21 to -- 22 CHAIRMAN: Just a moment while I take a note. 23 Thank you. 24 MR DEREK CHAN: I wish to take you to page 1191. 25 CHAIRMAN: This is the November 2017 response of Transport</p>

Page 133	Page 135
<p>1 for London; am I right?</p> <p>2 MR DEREK CHAN: Yes, Mr Chairman. And within the report</p> <p>3 there is a description of what the system currently is</p> <p>4 and what they hope can be done to improve the system.</p> <p>5 So I will be asking Ms Chan on both those aspects.</p> <p>6 Ms Chan, at page 1191, the heading is "Bus collision</p> <p>7 data analysis". I'm not going to read out the</p> <p>8 "Introduction" paragraph. I want to focus on the</p> <p>9 paragraphs under the heading "Progress", because the</p> <p>10 publication starts off that part on a description of</p> <p>11 what their current system is, and I first want to ask</p> <p>12 you questions about that.</p> <p>13 If I can just read it out first:</p> <p>14 "We currently have two main data sets for bus</p> <p>15 collision data: IRIS and STATS19."</p> <p>16 Again, we have established from Mr Weston's report</p> <p>17 that STATS19 is a reference to the police data.</p> <p>18 I will continue reading:</p> <p>19 "IRIS is used by bus operators under contract with</p> <p>20 TfL for reporting incidents relating to their</p> <p>21 operational activities. This includes collisions, but</p> <p>22 also slips, trips and fall and other safety incidents</p> <p>23 such as assault. Operators are required to report</p> <p>24 serious incidents within 48 hours, and all incidents</p> <p>25 within seven days. The system serves as the complete</p>	<p>1 incidents; would that be helpful?</p> <p>2 MS MABLE CHAN: I think it would always be helpful and wise</p> <p>3 to have a common set of template for data report and for</p> <p>4 data compilation, so that it can equip relevant parties</p> <p>5 to do data analysis and further investigation and for</p> <p>6 recommendation of any further follow-up actions.</p> <p>7 CHAIRMAN: Mr Chan, before you move on, reference is made at</p> <p>8 this London update on bus safety programme to this being</p> <p>9 a requirement under the contract that the bus operators</p> <p>10 in London have with TfL.</p> <p>11 MR DEREK CHAN: Yes.</p> <p>12 CHAIRMAN: Are you aware of where that provision is in the</p> <p>13 contract?</p> <p>14 MR DEREK CHAN: No. I have tried to make some effort to</p> <p>15 look for that, and at the moment this is the only</p> <p>16 paragraph I can find where the reporting obligation is</p> <p>17 set out in some detail. I can perhaps attempt to look</p> <p>18 for it after the hearing.</p> <p>19 CHAIRMAN: No doubt that's a matter we could raise with</p> <p>20 Mr Weston.</p> <p>21 MR DEREK CHAN: Yes.</p> <p>22 CHAIRMAN: Because it's presumably a simple contractual</p> <p>23 provision that requires bus operators to report</p> <p>24 incidents, including collisions, slips, trips, falls and</p> <p>25 other safety instances.</p>
Page 134	Page 136
<p>1 and reliable single source of information on all</p> <p>2 incidents involving or affecting London's buses."</p> <p>3 Now, just pausing here, comparing that to Hong Kong,</p> <p>4 we also have access to the police data, so in that sense</p> <p>5 it looks at least the same, but would you agree that the</p> <p>6 Transport Department in Hong Kong is disadvantaged in</p> <p>7 the sense that it does not have a similar data set on</p> <p>8 every incident from the bus operators?</p> <p>9 MS MABLE CHAN: Yes, I would agree that under the current</p> <p>10 franchise regime, there is no such requirement on the</p> <p>11 specific report of specific incidents to the Transport</p> <p>12 Department.</p> <p>13 MR DEREK CHAN: Yes. For the future, do you think it would</p> <p>14 be useful to require the franchised bus operators to</p> <p>15 have a similar reporting obligation? Because it seems</p> <p>16 to me, from a practical perspective, all it requires is</p> <p>17 the setting up of a computer system.</p> <p>18 MS MABLE CHAN: I think this is certainly an area that is</p> <p>19 worth pursuing, and also, with the automatic data</p> <p>20 transmission, I think there can be ways to make this</p> <p>21 data compilation and transmission more efficient and</p> <p>22 more effective.</p> <p>23 MR DEREK CHAN: And instead of receiving different data sets</p> <p>24 from different bus operators, you can have one common</p> <p>25 system that all franchised bus operators use to report</p>	<p>1 MR DEREK CHAN: Yes.</p> <p>2 CHAIRMAN: So it would be useful to know what it is, how</p> <p>3 they couch it.</p> <p>4 If I could ask you, Ms Chan: this would be very</p> <p>5 simple, to say to the franchised bus operators, "This is</p> <p>6 what we want you to report. You can design your own</p> <p>7 template. We want the date, we want the place, we want</p> <p>8 to know adult/child, female" -- because age is clearly</p> <p>9 relevant to trips, slips and falls, as they call it, and</p> <p>10 London reports, as we do, that it's older people who</p> <p>11 suffer more, sometimes even sadly fatally, from those</p> <p>12 kinds of accidents. But this would be very easy to</p> <p>13 request of the bus operators, would it not?</p> <p>14 MS MABLE CHAN: I think it is something that we can actively</p> <p>15 pursue, Chairman.</p> <p>16 MR DEREK CHAN: The other advantage which I am getting on</p> <p>17 to, when I read on in this publication, is if you have</p> <p>18 an event incident-by-incident report from the operators,</p> <p>19 if the matter was reported to the police, you would also</p> <p>20 have the same data from the police database, which would</p> <p>21 allow you to conduct a matching exercise to see the</p> <p>22 quality of the information recording process that the</p> <p>23 franchised bus operators adopt. Would you agree with</p> <p>24 that suggestion?</p> <p>25 MS MABLE CHAN: That will help in data matching and in</p>

Page 137	Page 139
<p>1 identifying of any discrepancy or exceptions. I think 2 it boils down to the question of how to set the template 3 and to identify major headings for the data template, 4 and then we can get the various bus operators to come up 5 with a similar set of categorisation and also incidents 6 reporting. 7 So this is something that I think we can take the 8 matter further and discuss with the bus operators. 9 CHAIRMAN: Presumably, the bus companies themselves require 10 their bus captains to make reports of this nature? 11 MS MABLE CHAN: Yes, Chairman. 12 CHAIRMAN: Are you aware of the nature of the information 13 the bus companies require? 14 MS MABLE CHAN: Because, as we have asked them to provide 15 the data and the analysis by causes of incidents in the 16 "Safety" chapter, it's actually collated based on their 17 raw data and the accounts of the incidents. So we 18 consider that it is not difficult for the bus operators, 19 for the bus company, to capture these data in a more 20 systematic way and report it to the Transport 21 Department. 22 CHAIRMAN: But do you know, for example, what KMB require 23 their bus drivers to report when there is an incident, 24 an accident? Do you know? 25 MS MABLE CHAN: I do not know to the level of detail.</p>	<p>1 this topic by looking at what remains for London to do. 2 Ms Chan, are you still on page 1191 of the MISC-3 3 bundle that we were just looking at? 4 MS MABLE CHAN: Yes. 5 MR DEREK CHAN: I had read out the first paragraph under 6 "Progress", which describes what the system in London 7 presently is. 8 The next paragraph under that -- I won't read it 9 out -- describes the police data, so it refers to 10 STATS19 being the old police system, and also refers to 11 COPA which is an updated police system so I'm not going 12 to refer to that. 13 Over the page, at 1192, under the heading "Future 14 works", this is what Transport for London is aiming for: 15 "Work is being done to improve the compatibility of 16 IRIS, STATS19 and COPA. A complex matching exercise is 17 continuing to ensure better consistency and reliability 18 of each data set. We are also developing a software 19 system to improve the efficiency and accuracy of 20 collecting IRIS data by enabling it to be automatically 21 updated from bus operators' own various databases." 22 My question is this, Ms Chan: in terms of looking 23 into the future, should this type of synergy between 24 different data sets be something that Hong Kong should 25 be aiming for in terms of its bus accidents, data</p>
Page 138	Page 140
<p>1 Perhaps -- Ms Tse would like to add. 2 CHAIRMAN: Yes. 3 MS AMY TSE: Thank you, Chairman. 4 We understand that bus operators will require the 5 bus captains to report any incident that happens, say 6 within the bus, if there is injury, then they should 7 report to the police. 8 CHAIRMAN: So, if there's an injury, the bus captain should 9 report it to the police? 10 MS AMY TSE: Yes, Chairman. 11 CHAIRMAN: So the police reports ought to match 100 per cent 12 to the bus captain's, if the systems work? 13 MS AMY TSE: Yes, Chairman. 14 CHAIRMAN: Is this reflected in writing? Is it part of 15 a handbook, for example? I think the bus companies have 16 got quite useful bus captain handbooks. Have you seen 17 this requirement? If you haven't, say so. 18 MS AMY TSE: We don't have the information in hand. We may 19 have to check with the bus operators, whether they have 20 put it in the handbook. 21 CHAIRMAN: We've got bus captain handbooks in our bundles, 22 do we not? 23 Mr Chan, perhaps someone can look for that and we 24 might be able to turn it up now; well, in due course. 25 MR DEREK CHAN: Yes. Perhaps I can round up this issue or</p>	<p>1 collection and reporting process? 2 MS MABLE CHAN: Certainly, I think this will be an area that 3 we would hope we can achieve, especially with the 4 improved consistency and reliability of different data 5 sets. 6 At the present moment, the various bus operators, 7 they keep track of the data, while we have asked them to 8 try to categorise the accident data in terms of the 9 nature and the contributory factors, the description may 10 not be exactly the same as what the police department 11 has done. 12 I think a common and consistent data set with more 13 frequent updates, say in an automatic way, I think will 14 certainly help the relevant parties to have better 15 articulation and also diagnosis of the issues of concern 16 and then the corresponding follow-up actions. 17 Also, I would like to add that the expert 18 evidence/submission in this regard actually demonstrates 19 the complexity involved in accidents, in the 20 contributory factors to the accidents, very often the 21 accidents can be contributed by various factors, and the 22 diagnosis of the accidents very often would have to come 23 after thorough investigation by the police and also 24 judicial proceedings. 25 But, in any event, it will not stop us from trying</p>

Page 141	Page 143
<p>1 to get the first-hand information and categorisation of</p> <p>2 the incident data from the various bus companies.</p> <p>3 MR DEREK CHAN: Mr Chairman, that completes the topics that</p> <p>4 I have to cover, but before I sit down can I come back</p> <p>5 to you on this operations handbook, staff handbook,</p> <p>6 because those assisting me have very helpfully given me</p> <p>7 the reference already, and I think I can provide</p> <p>8 an answer to the committee.</p> <p>9 CHAIRMAN: Yes.</p> <p>10 MR DEREK CHAN: Can I refer the committee to bundle KMB-8A,</p> <p>11 page 3086. It's showing up on the screen at the moment.</p> <p>12 CHAIRMAN: Yes.</p> <p>13 MR DEREK CHAN: What is being shown on the screen is the</p> <p>14 first page of the document from Kowloon Motor Bus,</p> <p>15 headed, "Outdoor operations staff handbook", and the</p> <p>16 bottom of the page states that the last update is</p> <p>17 January 2018.</p> <p>18 The relevant part dealing with the procedures when</p> <p>19 encountering a traffic accident can be found at</p> <p>20 page 3123 of the bundle.</p> <p>21 Volume 8A, Mr Chairman.</p> <p>22 CHAIRMAN: Yes.</p> <p>23 MR DEREK CHAN: Page 3123.</p> <p>24 Under part nine, the handbook says this:</p> <p>25 "If a staff member is involved in a traffic accident</p>	<p>1 MR DEREK CHAN: Not in the version that we have in the</p> <p>2 bundle.</p> <p>3 CHAIRMAN: In that case, may I ask that we make a request of</p> <p>4 KMB to provide us with whatever this document is so that</p> <p>5 we can see the detail that is required in this report.</p> <p>6 That would help the Transport Department know what</p> <p>7 information should be available in KMB.</p> <p>8 MR DEREK CHAN: Yes. Mr Chairman, on that note, if I may</p> <p>9 hand over the questioning to Ms Wong.</p> <p>10 CHAIRMAN: Not just yet, Mr Chan.</p> <p>11 I'd like you to pursue, if you would, the issue of</p> <p>12 harsh braking and the information that we've received</p> <p>13 from KMB as to what they do with these reports, and then</p> <p>14 to take us to one of their so-called four-minute</p> <p>15 accumulated total, so we can see how they gather the</p> <p>16 data.</p> <p>17 MR DEREK CHAN: Yes.</p> <p>18 For that purpose, Ms Chan, I think it would be</p> <p>19 useful for you to have two documents together. Can</p> <p>20 I first ask you to have before you KMB-12, page 4848.</p> <p>21 Also, can I ask for the secretariat's assistance in</p> <p>22 providing the page reference for a recent submission</p> <p>23 from KMB dated 3 October 2018, which I have in</p> <p>24 an unpaginated form.</p> <p>25 CHAIRMAN: Then you have the same version as I have. We can</p>
Page 142	Page 144
<p>1 while driving company vehicle, he/she should fill in and</p> <p>2 submit the 'traffic Accident Report' with letter of</p> <p>3 authorisation within 72 hours of the accident</p> <p>4 (hospitalised staff should submit the report as soon as</p> <p>5 possible after discharged from hospital). Please pay</p> <p>6 attention to the followings", and there's some detail</p> <p>7 about the description of the report.</p> <p>8 After the items 1, 2, 3 and 4, it says:</p> <p>9 "The completed 'Traffic accident report' should be</p> <p>10 submitted to the designated duty dispatch sections of</p> <p>11 respective depot and countersigned by staff members who</p> <p>12 collect the report. Any staff members who fail to</p> <p>13 submit the report on time will have to bear the</p> <p>14 consequences and will be disqualified from receiving the</p> <p>15 'bus captain good services bonus'. Moreover, the</p> <p>16 company also considers taking disciplinary action</p> <p>17 against the staff member for non-compliance."</p> <p>18 Mr Chairman, I won't read on, but I think the point</p> <p>19 to take from this is there is no express obligation or</p> <p>20 direction to the staff to report the matter to the</p> <p>21 police, although there is a reference to providing</p> <p>22 a statement made to the police to the legal department,</p> <p>23 at the third bullet point from the bottom.</p> <p>24 CHAIRMAN: Does this handbook contain the traffic accident</p> <p>25 report?</p>	<p>1 work from that.</p> <p>2 MR DEREK CHAN: Yes. I'm trying to give a reference so that</p> <p>3 Ms Chan can also have a copy of that before her.</p> <p>4 CHAIRMAN: Yes.</p> <p>5 MR DEREK CHAN: KMB-1, page 571.</p> <p>6 Again, just to clarify, what I wish to have before</p> <p>7 you, Ms Chan, is firstly KMB-12, page 4848, which is</p> <p>8 a harsh braking exception report provided to us by KMB;</p> <p>9 and also KMB-1, page 571, which is a submission from KMB</p> <p>10 which describes how that harsh braking exception report</p> <p>11 had been generated. So that's why I want these two</p> <p>12 documents side by side.</p> <p>13 Page 4848 is a Chinese version of the harsh braking</p> <p>14 report.</p> <p>15 Mr Chairman, the English translation is at</p> <p>16 page 4851. Perhaps I can use the translated version for</p> <p>17 convenience.</p> <p>18 Just reading the table for the moment, Ms Chan, you</p> <p>19 see that the table heading, "BC performance from</p> <p>20 6 February to 12 Feb", so about a week, and the harsh</p> <p>21 braking -- in the heading -- is said to have accumulated</p> <p>22 more than four minutes.</p> <p>23 If you look at the fourth column from the left, the</p> <p>24 "harsh brake accumulated" is described as "deceleration</p> <p>25 more than 8 kilometres per hour". So this is what the</p>

Page 145	Page 147
<p>1 table looks like.</p> <p>2 With that table in mind, can I ask you to look at</p> <p>3 KMB's description of how this harsh braking report is</p> <p>4 generated.</p> <p>5 For that, can I ask you to look at the submission</p> <p>6 from KMB at paragraph 3(B), firstly, page 572.</p> <p>7 CHAIRMAN: Before you do that, the document that we've been</p> <p>8 looking at on page 4848, is this a document that's come</p> <p>9 to us from Kowloon Motor Bus?</p> <p>10 MR DEREK CHAN: Yes, that's correct.</p> <p>11 CHAIRMAN: And it comes from their records?</p> <p>12 MR DEREK CHAN: Yes.</p> <p>13 CHAIRMAN: It's not a document that is sent to the Transport</p> <p>14 Department?</p> <p>15 MR DEREK CHAN: Not as far as I understand, because this is</p> <p>16 the exception report that KMB generates for themselves.</p> <p>17 CHAIRMAN: Let's ask: the document at 4848, is that sent to</p> <p>18 the Transport Department, that kind of document, or not?</p> <p>19 MS MABLE CHAN: No.</p> <p>20 CHAIRMAN: Thank you. So this is a KMB internal record.</p> <p>21 MR DEREK CHAN: Under paragraph 3(B), page 572, KMB sets</p> <p>22 out, "The criteria for generating weekly bus captain</p> <p>23 performance reports are as follows". So the first bit</p> <p>24 deals with speeding; the second bit deals with sudden</p> <p>25 acceleration; the third bit, over the page, deals with</p>	<p>1 and harsh braking. Further, the number of entries would</p> <p>2 be numerous if such detailed reports were generated.</p> <p>3 For example, an aggregation of 60 minutes (that is 3,600</p> <p>4 seconds) of sudden acceleration by one BC would create</p> <p>5 at least 3,600 entries in the report while an aggregate</p> <p>6 of 4 minutes (that is 240 seconds) of harsh braking by</p> <p>7 one BC would create at least 240 entries. Given the</p> <p>8 massive volume of data involved, the information</p> <p>9 technology department of KMB and LWB has made their best</p> <p>10 effort in conducting manual analysis of the relevant</p> <p>11 data to generate irregular detailed reports (with the</p> <p>12 adoption of BC performance report standard) in response</p> <p>13 to the requests of IRC as explained below."</p> <p>14 So, Ms Chan, just to give you some context, KMB also</p> <p>15 provided other data pursuant to this manual effort for</p> <p>16 the purposes of the committee, so I'm not going to go</p> <p>17 into that more.</p> <p>18 CHAIRMAN: I'd like you to go to that, because one sees what</p> <p>19 four minutes of accumulated braking actually means.</p> <p>20 This is done over one week, 240 seconds, and as one can</p> <p>21 imagine and as you will see, you don't do harsh braking</p> <p>22 for 20 seconds in a row, because you would be stationary</p> <p>23 after several seconds. So we get a measure of how often</p> <p>24 this harsh braking is happening.</p> <p>25 Mr Chan, perhaps you can go to the first of the</p>
Page 146	Page 148
<p>1 harsh braking. If I can just read that out, under the</p> <p>2 heading "Harsh braking":</p> <p>3 "BC's name will be shown in the BC performance</p> <p>4 reports when the accumulated duration of harsh braking</p> <p>5 (that is for any particular second, the decrease in</p> <p>6 speed compared with the speed of the preceding second</p> <p>7 exceeds 7 kilometres per hour) ..."</p> <p>8 And if you look at footnote 3 at the bottom:</p> <p>9 "The threshold was set at 8 km/hr per second prior</p> <p>10 to 1 August 2018."</p> <p>11 That's why we see the reference to 8 kilometres per</p> <p>12 hour in the table.</p> <p>13 Continuing reading from the top:</p> <p>14 "... recorded by the black boxes of all buses driven</p> <p>15 by that BC during a particular week is more than 4</p> <p>16 minutes."</p> <p>17 At paragraph 6, KMB says this:</p> <p>18 "The causes of BCs' sudden acceleration and harsh</p> <p>19 braking vary, for example, they might do so due to</p> <p>20 actual traffic conditions at such particular time.</p> <p>21 Accordingly, KMB and Long Win's approach is to monitor</p> <p>22 the bus captains' driving behaviour first instead of</p> <p>23 taking immediate investigation and follow-up actions.</p> <p>24 KMB and LWB thus do not have the practice of generating</p> <p>25 detailed incident-based reports for sudden acceleration</p>	<p>1 pages. It's annex 1(b)(1) -- it's page 1 of 16.</p> <p>2 MR DEREK CHAN: Yes. I think that's already on the screen.</p> <p>3 CHAIRMAN: Thank you. Perhaps we could have this printed</p> <p>4 out for the benefit of the Transport Department. Is</p> <p>5 this in hard-copy form that would be available to them</p> <p>6 in a file that is with them?</p> <p>7 MR DEREK CHAN: I certainly looked at it as a soft copy on</p> <p>8 my computer because it was quite long. I didn't cause</p> <p>9 that to be printed out.</p> <p>10 CHAIRMAN: I have a hard copy here myself, so presumably</p> <p>11 hard copies have been produced.</p> <p>12 There's a lot of pages on sudden acceleration and</p> <p>13 there are fewer pages on harsh braking.</p> <p>14 MR DEREK CHAN: Yes. The report on harsh braking begins at</p> <p>15 page 5578 of KMB-12.</p> <p>16 Ms Chan, I hope you have before you a document --</p> <p>17 there's a heading on the top left-hand corner of the</p> <p>18 page which says "Annex 1(b)(i) harsh braking report for</p> <p>19 selected BCs".</p> <p>20 Ms Chan, just to give you some context, according to</p> <p>21 the KMB submissions, this is not a document that is</p> <p>22 regularly generated by KMB themselves. It's a document</p> <p>23 that they generated at the request of the committee, to</p> <p>24 look at the individual instances of harsh braking that</p> <p>25 make up a four-minute entry which then appears in their</p>

Page 149	Page 151
<p>1 regular exception report.</p> <p>2 Ms Chan, what you can see is that this set of</p> <p>3 records at the bottom comprises of 18 pages and you will</p> <p>4 be looking at the first page, at 5578. All these</p> <p>5 records relates to an employee number 3965, and if you</p> <p>6 look across the page you can see a number of information</p> <p>7 about the route, the time, the date, and the speed</p> <p>8 deceleration.</p> <p>9 CHAIRMAN: Have we been given any explanation for some of</p> <p>10 these abbreviations, for example "ba_value"?</p> <p>11 MR DEREK CHAN: Yes. The explanation is actually at the</p> <p>12 written submission we have just been looking at, at</p> <p>13 KMB-1.</p> <p>14 CHAIRMAN: So what is "ba_value"? I think we can do it by</p> <p>15 deductive logic.</p> <p>16 MR DEREK CHAN: The ba_value, according to KMB, and this is</p> <p>17 in footnote 4 of the submission we have been looking at,</p> <p>18 the item "ba_value" refers to brake deceleration value</p> <p>19 which is calculated by comparing the speed of</p> <p>20 a particular time with the speed of the preceding</p> <p>21 second. So that is the speed difference.</p> <p>22 CHAIRMAN: So the speed at 06:05:45 was 5.8 kilometres per</p> <p>23 hour, and that had come about because the vehicle had</p> <p>24 been braked by 9.5 kilometres per hour from the previous</p> <p>25 second; is that it?</p>	<p>1 CHAIRMAN: It might be you want to reflect on that, and we</p> <p>2 are going to take a break soon, and give you a chance to</p> <p>3 think about the question.</p> <p>4 But perhaps next we might move to what it is that is</p> <p>5 provided to the Transport Department about harsh</p> <p>6 braking.</p> <p>7 MR DEREK CHAN: Yes. I have that document. I had that</p> <p>8 document a moment ago. Give me a moment, Mr Chairman.</p> <p>9 CHAIRMAN: Yes, of course.</p> <p>10 MR DEREK CHAN: In terms of what is given to the Transport</p> <p>11 Department, I think Ms Tse mentioned this a moment ago.</p> <p>12 Can I take you to TD-4, page 1020. This document at the</p> <p>13 top says, "Monthly report on monitoring measures</p> <p>14 relating to bus safety", and I think this is a document</p> <p>15 that Ms Tse referred to earlier about requiring bus</p> <p>16 operators to submit a form of random checks that they</p> <p>17 take -- or checks that they do take on the black box</p> <p>18 data.</p> <p>19 If I can take you down to one-third of the way up</p> <p>20 from the bottom, under the heading, "Checking black box</p> <p>21 data box data for monitoring of driving behaviours of</p> <p>22 bus captains", the second box under that heading, under</p> <p>23 the item, "No. of ad hoc checks on black box data</p> <p>24 conducted"; second column:</p> <p>25 "No. of mal-practice cases found (as at end month)</p>
Page 150	Page 152
<p>1 MR DEREK CHAN: Yes, that's correct, Mr Chairman.</p> <p>2 Ms Chan, from 5578 to 5586, you can see the entries</p> <p>3 generated for employee 3965. Then, on that page, you</p> <p>4 can see the employee number then changes to 63287.</p> <p>5 CHAIRMAN: Do we know what the accumulated total of this</p> <p>6 particular driver's harsh braking was?</p> <p>7 MR DEREK CHAN: According to KMB submission, at</p> <p>8 paragraph 7(b) that we have just been looking at --</p> <p>9 I will read it out:</p> <p>10 "The detailed record of harsh braking for BC with</p> <p>11 employee number 3965 (401 entries entailing 6.68 minutes</p> <p>12 of harsh braking) ..."</p> <p>13 So that's for 3965.</p> <p>14 "... and BC with employee number 63287 (395 entries</p> <p>15 totalling 6.58 minutes of harsh braking) ..."</p> <p>16 Ms Chan, I think you can see 63287 from page 5586</p> <p>17 down to 5595, comprising, as I said, 395 entries.</p> <p>18 So, Ms Chan, from the perspective of the Transport</p> <p>19 Department, do you have any observations about the</p> <p>20 practice of KMB of basically not generating an exception</p> <p>21 report for a bus captain for harsh braking until this</p> <p>22 bus captain accumulates something like hundreds of times</p> <p>23 of crossing the harsh braking threshold within any</p> <p>24 particular week? Do you have any observations about</p> <p>25 that?</p>	<p>1 Please provide breakdown of cases by nature [of]:</p> <p>2 - speeding.</p> <p>3 - braking suddenly.</p> <p>4 - others (please specify)."</p> <p>5 And for this example braking suddenly is reported as</p> <p>6 eight times, and verbal warning is 13 times. So, when</p> <p>7 the Transport Department gets a document like this, and</p> <p>8 it is reported that there is eight "braking suddenly"</p> <p>9 cases, it appears to suggest, how does the Transport</p> <p>10 Department interpret this data?</p> <p>11 So does the Transport Department interpret it as</p> <p>12 eight individual instances of harsh braking, or what?</p> <p>13 CHAIRMAN: Perhaps now would be the time to take the break,</p> <p>14 and you can reflect on the question whilst we have</p> <p>15 a break. Let's take 15 minutes.</p> <p>16 MS MABLE CHAN: Thank you, Chairman.</p> <p>17 (4.16 pm)</p> <p>18 (A short adjournment)</p> <p>19 (4.31 pm)</p> <p>20 CHAIRMAN: Yes, Mr Chan.</p> <p>21 MR DEREK CHAN: So, Ms Chan, before the break I asked you</p> <p>22 two questions.</p> <p>23 Firstly, from the perspective of the Transport</p> <p>24 Department, do you have any observations as to KMB's</p> <p>25 practice of basically not generating an exception report</p>

Page 153	Page 155
<p>1 on harsh braking until an individual bus captain has 2 accumulated what is hundreds of occasions of crossing 3 the harsh braking threshold within a particular week? 4 That was the first question.</p> <p>5 The second question was in respect of the monthly 6 report, at TD-4, page 1020. So, when the Transport 7 Department receives the report and sees on one of the 8 entries, "braking suddenly", what appears to be eight 9 cases, how does the Transport Department interpret that 10 data?</p> <p>11 Perhaps Ms Chan can deal with those in turn.</p> <p>12 MS MABLE CHAN: I will address the first question and then 13 I will invite my colleague Mr Patrick Wong to respond to 14 the second.</p> <p>15 On the first question, I think with the availability 16 of the black box function to generate exception report, 17 and with the focus of issue of concern on harsh braking, 18 I think we expect the company to take a very serious 19 approach to how to make use of this function and their 20 data to help them to closely monitor the driving 21 behaviour of bus captains.</p> <p>22 No doubt, the data generated by the black box alone 23 may not necessarily lead to any conclusion that the bus 24 captain drives the bus in a negligent manner. Still, it 25 provides some objective data for the bus company to</p>	<p>1 malpractice cases found. So, under the "braking 2 suddenly", we cannot confirm whether it's actually based 3 from the acceleration or deceleration black box data on 4 this, but maybe we gather that the bus company would do 5 some more investigation, maybe interview with the bus 6 captain, before coming up whether it is established as 7 a malpractice. That's what we understand.</p> <p>8 Thank you, Chairman.</p> <p>9 CHAIRMAN: I'm sorry, can you help me -- what does the 10 figure that you pointed out -- what does 400 mean?</p> <p>11 MR PATRICK WONG: Number of checks, ad hoc checks.</p> <p>12 CHAIRMAN: So ad hoc as opposed to routine; is that it? The 13 box above it, "Routine".</p> <p>14 MS AMY TSE: Chairman, the ad hoc checks by bus company is 15 normally based on the complaints, not the routine one 16 but the extra one that they did. The routine one would 17 be 8552 for the KMB case, as shown.</p> <p>18 CHAIRMAN: But that doesn't address braking, that's only 19 speeding, which is the point really. They check 20 speeding, not harsh braking.</p> <p>21 MS AMY TSE: For speeding, because they have a report 22 generated from the black box, but for the ad hoc 23 checkings, normally they act on the complaint, and 24 because the braking, they might need to investigate 25 based on the CCTV, before they just simply use the data</p>
Page 154	Page 156
<p>1 investigate further. We expect that with, say, the 2 availability of installation of CCTV, and with also the 3 plain-clothed inspectors on board the buses, all these 4 are helping, equipping the bus company to take into 5 account any other relevant observations on the bus 6 driver's behaviour. But no doubt this black box data is 7 very essentially and first-hand information and a basis 8 for them to identify any misbehaviour or malpractice of 9 the bus captain.</p> <p>10 I will invite Mr Patrick Wong to address on the 11 second question, regarding the information that we ask 12 the bus companies to provide regarding the black box 13 data.</p> <p>14 MR PATRICK WONG: Mr Chairman, basically the template shown 15 on the screen has been --</p> <p>16 MR DEREK CHAN: Which is page 1020 of TD-4.</p> <p>17 MR PATRICK WONG: Yes. It's been designed by the Transport 18 Department and shared with -- actually, we requested the 19 franchised bus companies to provide such information 20 since January this year.</p> <p>21 For the case you mentioned about the braking 22 suddenly, we gather that -- because on the left column, 23 it shows 400, but we are not sure actually, for 24 designing this template, we just ask the franchised bus 25 companies to provide the information about the number of</p>	<p>1 to say that it is the negligence of the bus drivers. 2 They need more different investigation before they could 3 classify it as a malpractice of bus captains.</p> <p>4 CHAIRMAN: So what it comes down to is this: there is an 5 exception report generated for speeding?</p> <p>6 MS AMY TSE: Yes, there is report generated for speeding.</p> <p>7 CHAIRMAN: But there is no exception report generated for 8 harsh braking?</p> <p>9 MS AMY TSE: To our understanding, they can set the 10 threshold, but at the moment they may not generate the 11 report because they need more investigation.</p> <p>12 CHAIRMAN: Let's just deal with the facts. The explanation 13 can be another matter. There is no exception report 14 generated for harsh braking?</p> <p>15 MS AMY TSE: Yes, to my understanding.</p> <p>16 CHAIRMAN: The ad hoc report comes about because there had 17 been a complaint and they go and investigate it as 18 a result of the complaint.</p> <p>19 MS AMY TSE: Yes.</p> <p>20 CHAIRMAN: But the fact is the data is available, as we have 21 seen in all these pages of data, to monitor/understand 22 the volume of harsh braking that's occurring; correct?</p> <p>23 MS AMY TSE: Yes, Chairman.</p> <p>24 CHAIRMAN: Now, one of the factors that is obvious is that 25 the threshold they are setting, which used to be for</p>

Page 157	Page 159
<p>1 braking more than 8 kilometres, now reduced apparently</p> <p>2 to 7 kilometres per hour change per second, is in the</p> <p>3 range of 0.2G thereabouts, is it not? They are not</p> <p>4 monitoring this at 0.4G, are they?</p> <p>5 MS MABLE CHAN: No.</p> <p>6 MR WILLIAM SHUM: Yes, for the 7km/hour/second, is</p> <p>7 approximately equal to 0.2G.</p> <p>8 CHAIRMAN: Yes. That is relevant to problems caused to</p> <p>9 people standing in a bus.</p> <p>10 Yes, Mr Chan.</p> <p>11 MR DEREK CHAN: Mr Chairman, that completes my questioning,</p> <p>12 so with your permission I will hand over the questioning</p> <p>13 to Ms Wong.</p> <p>14 CHAIRMAN: Yes. Thank you very much for your help.</p> <p>15 MR DEREK CHAN: Thank you, Chairman.</p> <p>16 CHAIRMAN: Just give me a moment, Ms Wong, to dispose of</p> <p>17 some of these files.</p> <p>18 MR DEREK CHAN: Mr Chairman, Ms Wong didn't let me sit down.</p> <p>19 CHAIRMAN: I think she was probably encouraged by me.</p> <p>20 MR DEREK CHAN: The reason is because Ms Wong has very</p> <p>21 helpfully dug up the traffic accident report that we had</p> <p>22 been looking at, in terms of what the bus drivers are</p> <p>23 instructed to do when they encounter an accident.</p> <p>24 CHAIRMAN: Yes.</p> <p>25 MR DEREK CHAN: There is actually a better reference than</p>	<p>1 a standard form letter of consent, seeking the</p> <p>2 passenger's consent for not to file a report with the</p> <p>3 police, even though he sustained injuries.</p> <p>4 So it does not appear to be a matter of course that</p> <p>5 incidents would definitely be reported to the police.</p> <p>6 CHAIRMAN: Yes. Thank you for that.</p> <p>7 MR DEREK CHAN: Ms Wong has very helpfully found a more</p> <p>8 legible copy of the traffic accident report, at bundle</p> <p>9 KMB-10B, page 4397.</p> <p>10 CHAIRMAN: Yes. Thank you, Ms Wong.</p> <p>11 So what appears to be missing from this form</p> <p>12 compared with the information that is on the Transport</p> <p>13 for London website, details of incidents resulting in a</p> <p>14 fatality or injuries, which required hospital attendance</p> <p>15 and treated on scene." What is missing is any reference</p> <p>16 to the nature of injuries, is it not? But there is</p> <p>17 a reference to a fatal, admitted, discharge --</p> <p>18 presumably that's a reference to hospitals.</p> <p>19 MR DEREK CHAN: Yes, under the heading "Particulars of</p> <p>20 casualties", there appear to be boxes that can be</p> <p>21 ticked.</p> <p>22 CHAIRMAN: Yes.</p> <p>23 MR DEREK CHAN: "Not verified", "left scene", "discharged",</p> <p>24 "admitted", "fatal". I think what appears to be missing</p> <p>25 is a characterisation that is perhaps more useful for</p>
Page 158	Page 160
<p>1 the one I took you to earlier.</p> <p>2 So perhaps I can invite Mr Chairman firstly to look</p> <p>3 at bundle KMB-10A, page 4190-1.</p> <p>4 Just for the purposes of the record, the Chinese of</p> <p>5 the document starts at 4161; English translation,</p> <p>6 4190-1.</p> <p>7 CHAIRMAN: Yes.</p> <p>8 MR DEREK CHAN: The document that you should have before you</p> <p>9 is headed, "Quality guide on how to handle bus traffic</p> <p>10 accidents", and it's a document from KMB.</p> <p>11 CHAIRMAN: Yes.</p> <p>12 MR DEREK CHAN: Perhaps just starting at the last point,</p> <p>13 which is the actual traffic accident report.</p> <p>14 Mr Chairman will find that at appendix II of this</p> <p>15 document which is at page 4190-31.</p> <p>16 And I think at 4190-29 is the English translation of</p> <p>17 that document.</p> <p>18 CHAIRMAN: Is there a legible, or more legible, version of</p> <p>19 the one at 4190-31? That looks as though it's a scanned</p> <p>20 version.</p> <p>21 MR DEREK CHAN: Yes. There's not in this file. Perhaps we</p> <p>22 can liaise with KMB afterwards to get that.</p> <p>23 CHAIRMAN: Yes.</p> <p>24 MR DEREK CHAN: But what is interesting is if I can draw the</p> <p>25 committee's attention to 4190-38, which appears to be</p>	<p>1 analytical purposes later on as to whether it's a</p> <p>2 "slips, trips and falls" accident, whether it's a loss</p> <p>3 of balance case, those kind of categories.</p> <p>4 CHAIRMAN: Yes. Ms Chan, that would be something that, if</p> <p>5 you were to design a template and require franchised bus</p> <p>6 operators to give you this kind of information so that</p> <p>7 you had a better database, then you could design</p> <p>8 whatever it is you wanted them to tell you.</p> <p>9 MS MABLE CHAN: Yes. I will, yes, because this is very</p> <p>10 important, and how we can sort of describe it and set in</p> <p>11 the template, to enable accurate data reporting, is</p> <p>12 something that we will have to look into. Yes, we will.</p> <p>13 Thank you, Chairman.</p> <p>14 CHAIRMAN: Thank you.</p> <p>15 MR DEREK CHAN: Yes, Mr Chairman. May I once again attempt</p> <p>16 to hand over hand over the microphone to Ms Wong.</p> <p>17 CHAIRMAN: Thank you very much.</p> <p>18 Ms Wong.</p> <p>19 Examination by MS MAGGIE WONG</p> <p>20 MS MAGGIE WONG: Thank you, Mr Chairman, and thank you,</p> <p>21 Ms Chan, and ladies and gentlemen.</p> <p>22 I will be asking a few topics. The first topic is</p> <p>23 on the Working Group on Speed Limit Review, and its</p> <p>24 functions and its interrelationship with the Road Safety</p> <p>25 Audit that you mention in your new annex and how it</p>



Page 161	Page 163
<p>1 works in practice.</p> <p>2 With that remark, may I first of all ask you -- we</p> <p>3 know from the evidence that the Transport Department's</p> <p>4 Working Group on Speed Limit Review includes</p> <p>5 representatives from the Transport Department and two</p> <p>6 NGOs, which are the Motorist Association of Hong Kong</p> <p>7 and Senior Drivers Association of Hong Kong.</p> <p>8 CHAIRMAN: I think that might be a translation that is</p> <p>9 supposed to capture advanced motorists; am I right?</p> <p>10 MS MAGGIE WONG: Yes.</p> <p>11 And also representatives from the police. Is that</p> <p>12 correct?</p> <p>13 MR TONY YAU: Yes.</p> <p>14 MS MAGGIE WONG: We also heard evidence that the person who</p> <p>15 convenes the meeting is the assistant commissioner of</p> <p>16 the Transport Department; is that also correct?</p> <p>17 MR TONY YAU: Correct.</p> <p>18 MS MAGGIE WONG: The Transport Department also provides the</p> <p>19 secretarial side of it. May I ask first of all, the</p> <p>20 function of the working group -- would the working group</p> <p>21 consider based on objective facts and assessment of</p> <p>22 accident data in determining whether there should be</p> <p>23 suggestions for changing speed limits of certain road</p> <p>24 sections?</p> <p>25 CHAIRMAN: Before you answer that question -- is this</p>	<p>1 heard evidence that the choice of the road sections is</p> <p>2 for the Transport Department to decide; is that correct?</p> <p>3 MR TONY YAU: Yes, correct.</p> <p>4 MS MAGGIE WONG: If there is a situation where you receive</p> <p>5 complaints from the district council about certain road</p> <p>6 sections that need to review speed limit, how would that</p> <p>7 reach the Working Group on Speed Limit Review?</p> <p>8 MR TONY YAU: Usually, when there is a request from district</p> <p>9 councils, they will approach our regional district</p> <p>10 engineer, and our regional district engineer will base</p> <p>11 on those criteria of a speed limit review and see if any</p> <p>12 significant change.</p> <p>13 Also, the main three points they have to consider is</p> <p>14 whether there is a change of accident and change of road</p> <p>15 environment. If there is a public request, they will</p> <p>16 consider whether they will prepare the speed limit</p> <p>17 report and submit to the working group for discussion.</p> <p>18 MS MAGGIE WONG: You mentioned one of the things is whether</p> <p>19 there is a change of accident. What do you mean?</p> <p>20 MR TONY YAU: As I mentioned, to consider the speed limit</p> <p>21 review, one of the criteria is the accident history. We</p> <p>22 usually will calculate the average year -- the year</p> <p>23 accident rate. So, if the district engineer noticed</p> <p>24 that there are significant increase of accident, they</p> <p>25 may consider to do a speed limit review.</p>
Page 162	Page 164
<p>1 committee described in our papers somewhere, in our</p> <p>2 bundles?</p> <p>3 MR TONY YAU: I think in our paper 10. TD-1, page --</p> <p>4 MS MAGGIE WONG: 120. TD-1, pages 120 to 121.</p> <p>5 MR TONY YAU: 120, yes.</p> <p>6 CHAIRMAN: But is it a working group or is it a committee?</p> <p>7 MR TONY YAU: It's a working group.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MR TONY YAU: The main purpose of the speed limit review</p> <p>10 working group is to advise on TD's review of speed</p> <p>11 limits and advise on TD's practice on setting speed</p> <p>12 limit.</p> <p>13 The members offer comments on the speed limit</p> <p>14 review, based on the major four factors. The first one</p> <p>15 is the accident history of the concerned road sections.</p> <p>16 The second one is the geometric environment of the road</p> <p>17 sections. That means the road's environment conditions.</p> <p>18 And the third one is the number of changes in speed</p> <p>19 limit, the existing speed limit and the connecting road</p> <p>20 speed limit. The fourth one is the actual vehicular</p> <p>21 speed, that means the speed measured on site.</p> <p>22 CHAIRMAN: That's the 85th centile?</p> <p>23 MR TONY YAU: Yes.</p> <p>24 MS MAGGIE WONG: I understand that the working group also</p> <p>25 meet on a quarterly basis, and may I ask -- we have</p>	<p>1 CHAIRMAN: How is "accident" defined?</p> <p>2 MR TONY YAU: It is the personal injury accident rate of the</p> <p>3 road section concerned, as compared with the figure of</p> <p>4 the whole territory.</p> <p>5 That means the concerned road section's accident</p> <p>6 history compared with territory-wide, to see if the</p> <p>7 accident rate of the concerned road is particularly</p> <p>8 higher than the average one.</p> <p>9 CHAIRMAN: So it doesn't get into the statistics unless</p> <p>10 there is a personal injury?</p> <p>11 MR TONY YAU: Only consider the personal injury accident.</p> <p>12 CHAIRMAN: Yes, so you could write the car off and get out</p> <p>13 and walk away and it doesn't go in the statistics; is</p> <p>14 that it?</p> <p>15 MR TONY YAU: It's based on the record from the police.</p> <p>16 CHAIRMAN: It requires an injury before it gets in the</p> <p>17 figures?</p> <p>18 MR TONY YAU: Yes.</p> <p>19 CHAIRMAN: Thank you.</p> <p>20 MS MAGGIE WONG: You mentioned the accident rate, and that</p> <p>21 it only requires -- it only qualifies as an accident</p> <p>22 rate if there is a personal injury. What happens --</p> <p>23 maybe you quote an example -- in this scenario it is</p> <p>24 Tai Po Road -- which particular district would you</p> <p>25 compare the statistics before it reaches the working</p>

Page 165	Page 167
<p>1 group?</p> <p>2 MR TONY YAU: Usually, we will compare with the</p> <p>3 territory-wide average values.</p> <p>4 MS MAGGIE WONG: In the Tai Po Road section, which district</p> <p>5 would that be?</p> <p>6 MR TONY YAU: For Tai Po Road, we would consider -- we would</p> <p>7 select the concerned sections of Tai Po Road, and then</p> <p>8 we sum up the accidents and we calculate the accident</p> <p>9 rate for that concerned section of road, and then</p> <p>10 compare it with the territory-wide figures.</p> <p>11 MS MAGGIE WONG: There's one situation --</p> <p>12 CHAIRMAN: Forgive me for interrupting again -- accident</p> <p>13 rate per what?</p> <p>14 MR TONY YAU: Accidents per million vehicular kilometres.</p> <p>15 CHAIRMAN: Thank you.</p> <p>16 MS MAGGIE WONG: You mentioned accidents per million</p> <p>17 vehicular kilometres, but it doesn't state accidents</p> <p>18 that necessitate personal injuries. So, in that sense,</p> <p>19 it is qualified by the Transport Department as accident</p> <p>20 for injuries per million vehicular kilometres; is that</p> <p>21 the position?</p> <p>22 MR TONY YAU: We only count the personal injury as accident,</p> <p>23 as traffic accident.</p> <p>24 MS MAGGIE WONG: Thank you.</p> <p>25 CHAIRMAN: Why?</p>	<p>1 limit review.</p> <p>2 CHAIRMAN: Very well.</p> <p>3 MS MAGGIE WONG: Now, on this accident rate, can I ask</p> <p>4 another scenario. It's if that particular section of</p> <p>5 the road has a lot of speeding, and the police issue</p> <p>6 a lot of fixed penalty tickets for speeding, and</p> <p>7 I understand that some of the accidents would be shared</p> <p>8 with the Transport Department in terms of accident data,</p> <p>9 but would that sort of fixed penalty tickets data be</p> <p>10 shared with the Transport Department?</p> <p>11 MR TONY YAU: You mean that maybe --</p> <p>12 MS MAGGIE WONG: Speeding.</p> <p>13 MR TONY YAU: Yes, speeding, the police issue tickets for</p> <p>14 speeding and actually there are quite a number of</p> <p>15 vehicles are speeding, but it did not reflect in the</p> <p>16 accident rate.</p> <p>17 MS MAGGIE WONG: Yes.</p> <p>18 MR TONY YAU: That's the reason why we might consider the</p> <p>19 accident rate. If in that case that many -- or maybe</p> <p>20 most of the vehicles are speeding, but the accident rate</p> <p>21 is still low, there may be a problem of the speed limit</p> <p>22 set. So, under the current situation, they have to</p> <p>23 conduct a speed limit review. Maybe the speed limit</p> <p>24 imposed on the road is too slow, from traffic engineer's</p> <p>25 viewpoint. That's why most of the cars are speeding but</p>
Page 166	Page 168
<p>1 MR TONY YAU: Because we base on the police figures. We</p> <p>2 only retrieve -- we only can assess the accident, the</p> <p>3 traffic accident, involving personal injuries. I know</p> <p>4 that from police, there are quite some accidents that</p> <p>5 maybe the motorist vehicle hit some street furniture and</p> <p>6 they left, and those figures, they did not have a</p> <p>7 quite -- cannot record all that incident because the</p> <p>8 concerned motorist maybe disappeared after those</p> <p>9 accidents that do not involve any personal injury.</p> <p>10 CHAIRMAN: But there clearly was an accident. It might, for</p> <p>11 example, be a bend where cars go off regularly, but it's</p> <p>12 only an accident if somebody is injured?</p> <p>13 MR TONY YAU: Yes, but because required by the regulations,</p> <p>14 only accidents involving personal injury need to be</p> <p>15 reported to the police. So maybe for those that do not</p> <p>16 involve personal injury, they do not need to report to</p> <p>17 the police, so we do not have very true figures of that</p> <p>18 kind of accident.</p> <p>19 CHAIRMAN: I understand what you're talking about, the</p> <p>20 requirement in law to report if there's an accident</p> <p>21 involving injury. But if the car is broken at the side</p> <p>22 of the road, the driver might have run away, but there</p> <p>23 clearly has been an accident -- tyre marks all over the</p> <p>24 road, lamppost knocked down -- and that doesn't count?</p> <p>25 MR TONY YAU: It doesn't count in this exercise of speed</p>	<p>1 the accident rate is very low.</p> <p>2 CHAIRMAN: I think part of the question was, "Do the police</p> <p>3 provide you with their data as to the fixed penalty</p> <p>4 speeding tickets issued on the section of road as</p> <p>5 a matter of course?" Do they do that?</p> <p>6 MR TONY YAU: No, not for the speed limit review exercise.</p> <p>7 MS MAGGIE WONG: Can you give us a ballpark figure --</p> <p>8 because you talked about the accident rate being</p> <p>9 screened by the engineer of the particular region, and</p> <p>10 compared to the particular district, can you give us</p> <p>11 a ballpark figure as to what figure it reached would it</p> <p>12 warrant the investigation or review or consideration by</p> <p>13 the Working Group on Speed Limit Review?</p> <p>14 MR TONY YAU: Yes. Maybe I can give you some figures. The</p> <p>15 territory-wide accident rate, I mean it's</p> <p>16 territory-wide, not particular district accident rate,</p> <p>17 we annually issue the road traffic accident statistics.</p> <p>18 For example, the accident rate for territory-wide in</p> <p>19 2017, accident rate per million vehicle-kilometres is</p> <p>20 1.15. That means, for a particular section of road, if</p> <p>21 the district engineer finds that after the calculation,</p> <p>22 the accident rate is higher than 1.15, they will</p> <p>23 consider to conduct a speed limit review.</p> <p>24 CHAIRMAN: Is this material in our bundles? What's the name</p> <p>25 of this document where this is contained?</p>

Page 169	Page 171
<p>1 MR TONY YAU: I would like to add, in addition to the 2 accident rate, even there's no observation from accident 3 rate or other factors, they would conduct a regular 4 review of the road section, a regular review of the 5 speed limit of the concerned road section. 6 CHAIRMAN: Where is this figure, territory-wide accident 7 rate per million vehicular kilometres 2017 -- what 8 document is it in? 9 MR TONY YAU: It is in the booklet the Transport Department 10 issue every year. The name is "Road Traffic Accident 11 Statistics". It is available on our Transport 12 Department homepage. 13 CHAIRMAN: Ms Wong, is that in our material? 14 MS MAGGIE WONG: No. I haven't seen that. Maybe we can be 15 provided with that. 16 CHAIRMAN: This is available on the internet? 17 MR TONY YAU: Yes. 18 CHAIRMAN: Perhaps we can see if we can locate it now. What 19 page is it at? 20 MR TONY YAU: Page 9. 21 Yes, on this page, the 1.15 accident rate. 22 CHAIRMAN: Yes. Could we have a copy of that printed, 23 please, and distributed. 24 MS MAGGIE WONG: According to this table, it doesn't specify 25 the territory.</p>	<p>1 Tai Po Road rate is 0.13, is it not? You look at the 2 two figures, don't you, how the particular section of 3 road compares with the territory-wide ... 4 MR TONY YAU: In the speed limit review report, the engineer 5 has to select a concerned section of road, and then use 6 that section of road, to retrieve all the accident 7 occurred over the past one year, and then calculate the 8 accident rate. 9 CHAIRMAN: By that, are you suggesting that the reference 10 "Tai Po Road Sha Tin" is a broader area of the road than 11 the section of the road that the engineer would select; 12 is that what you mean? 13 MR TONY YAU: Yes, because the exact boundary may be 14 different. 15 CHAIRMAN: Yes. So the Tai Po Road from beginning to end 16 might have quite a number of different sections; is that 17 it? 18 MR TONY YAU: Yes. 19 CHAIRMAN: And this figure is the summation of all of those 20 different sections? 21 MR TONY YAU: Yes, I think so. 22 MS MAGGIE WONG: Yes. Now, you mentioned earlier in the 23 evidence that even without this accident rate, the 24 Transport Department would regularly review the limits 25 or the road sections or the speed limit of the road</p>
Page 170	Page 172
<p>1 CHAIRMAN: Is that term perhaps found elsewhere in these 2 statistics? 3 MR TONY YAU: Because this table summarises the whole 4 Hong Kong figures. 5 CHAIRMAN: Yes, but is that spelt out somewhere else? 6 MR TONY YAU: Maybe you can refer to figure 2.13. 7 CHAIRMAN: Yes. Do we have to go to the bottom to get 8 a total? 9 MR TONY YAU: Yes. 10 CHAIRMAN: "All roads", that's the figure? 11 MR TONY YAU: "All roads", yes. 12 CHAIRMAN: Thank you. 13 MS MAGGIE WONG: On that table, "All roads", does that mean 14 all roads within that territory, or all roads within the 15 selected roads mentioned there? 16 MR TONY YAU: All roads within the territory. 17 MS MAGGIE WONG: So, when you mentioned earlier in the 18 evidence about the engineer would look at the accident 19 rate based on territory-wide, would this table assist? 20 MR TONY YAU: Yes. Territory-wide is actually the "All 21 roads" accident rate figure. 22 MS MAGGIE WONG: So you would look at the 0.13 figure and 23 not the 1.15 figure; is that the position? 24 MR TONY YAU: 1.15 should be on the bottom. 25 CHAIRMAN: 1.15 is the territory-wide accident rate, but the</p>	<p>1 sections. On what basis would it conduct that exercise? 2 MR TONY YAU: It mentions in our submission, the latest 3 submissions, the paper. 4 MS MAGGIE WONG: Is that TD Paper 10? 5 MR TONY YAU: No, the submission that we submit on 6 Wednesday, on 3 October. 7 MS MAGGIE WONG: That would be TD-5? 8 MR TONY YAU: That's the table. 9 MS MAGGIE WONG: That would be TD-5, page 1817. Is that the 10 paper? 11 MR TONY YAU: Yes. 12 MS MAGGIE WONG: You stated there, at page 1819, 13 paragraphs 12 and 13, that "As mentioned" -- if I could 14 read that into record: 15 "As mentioned in TD Paper 10 ... speed limit reviews 16 taking into consideration a number of factors, including 17 accident rate, actual vehicular travelling speed, road 18 geometry and environment of the road section, will be 19 carried out regularly and discussed in the standing 20 Working Group on Speed Limit Review." 21 Then at 13 you stated there: 22 "A review of speed limits on all roads will be 23 carried out at regular intervals, and the frequency for 24 such reviews will make reference to their road 25 types ..."</p>

Page 173	Page 175
<p>1 And you specify that there are three road types: 2 trunk roads, the frequency will be 36 months; primary 3 distributor roads, 48 months; and rural roads, 60 4 months. That would be equivalent to five years. 5 Can you explain or elaborate what is meant by "trunk 6 roads"?</p> <p>7 MR TONY YAU: Trunk road is the major, usually with higher 8 standard, including the expressways, and usually it's 9 linking inter-district or inter-region. That means the 10 trunk road may be linking different districts or from 11 regions, say Kowloon to the New Territories. 12 We also have a definition of that. This is under 13 our transport planning design manual, we have 14 a definition of trunk road; do you want me to --</p> <p>15 MS MAGGIE WONG: Yes. Can you either read it out or give us 16 a copy.</p> <p>17 MR TONY YAU: I will read it out. The trunk roads -- there 18 are two different types of trunk roads, the first one is 19 rural trunk road. Rural trunk roads is: 20 "... Roads connecting the main centres of 21 populations. High-capacity roads with no frontage 22 access or development, pedestrian segregated, widely 23 spaced grade-separated junctions, and 24-hour stopping 24 restrictions." 25 For the urban trunk roads, they are:</p>	<p>1 MR TONY YAU: Rural roads are: 2 "... roads connecting the smaller centres of 3 populations or popular recreation areas with major road 4 networks. Frontage access should be limited wherever 5 possible and junction design whilst not necessarily 6 grade separated should be of a high capacity standard." 7 MS MAGGIE WONG: I see, in your footnote 1, you mentioned 8 that: 9 "For most roads, if the speed limit accords with the 10 design speed set for their existing road types and road 11 characteristics, changing the speed limit will not be 12 required ..." 13 On this section first, the existing road types is 14 the three road types that you mentioned; is that the 15 position? 16 MR TONY YAU: Do you mean Tai Po Road? 17 MS MAGGIE WONG: No, generally, this statement, "existing 18 road types", does this "existing road types" mean the 19 road types that you mention in paragraph 13, ie the 20 trunk roads, primary distributor roads and rural roads? 21 MR TONY YAU: Yes, "existing road types" covers all the 22 different roads. 23 In this footnote, there's a new term, the design 24 speed. That means, for an engineer, when they design 25 a road, they have an intention on what the design speed</p>
Page 174	Page 176
<p>1 "... roads connecting the main centres of 2 populations. High capacity roads, with no frontage 3 access or development, segregation of pedestrians, 4 widely spaced grade-separated junctions, and 24-hour 5 stopping restrictions." 6 CHAIRMAN: Yes. 7 MS MAGGIE WONG: What about the primary distributor roads? 8 MR TONY YAU: Primary distributor, under the same design 9 manual, it means: 10 "... roads forming the major network of the urban 11 area. Roads having high capacity junctions, though may 12 be at-grade, segregated pedestrian facilities wherever 13 possible and frontage access limited if not entirely 14 restricted, and 24-hour stopping restrictions." 15 MS MAGGIE WONG: So it's not limited to urban roads; it 16 could include New Territories, roads in New Territories, 17 as long as it fits the description? 18 MR TONY YAU: Maybe the new towns. New towns, the nature is 19 similar to the urban areas. 20 MS MAGGIE WONG: Yes. Sorry, I should have asked earlier 21 about this trunk road. Trunk road, would that be mostly 22 urban roads or does it also cover roads in New 23 Territories? 24 MR TONY YAU: Both, cover urban and rural. 25 MS MAGGIE WONG: And what about rural roads?</p>	<p>1 for that road. For example, if a road is designed for 2 50 kilometres per hour, I think no matter whatever 3 change of the road environment, the surrounding area, or 4 accidents, even though you review several times, the 5 speed limit will remain 50 but will not have any chance 6 to increase to 70 because that is the design speed, it 7 is the road constraint, the site constraint that limits 8 the speed limit. 9 CHAIRMAN: What about decreasing it, if you have lots of 10 accidents? 11 MR TONY YAU: Under the current speed limit structures, our 12 lowest speed limit usually is 50. 13 CHAIRMAN: You don't consider any other lower speed limit? 14 MR TONY YAU: We've mentioned that in the paper. 15 CHAIRMAN: We are going to come to that as a separate topic. 16 MS MAGGIE WONG: The second part is: 17 "... changing speed limit will not be required 18 unless there has been demand on it or the accident rate 19 on the concerned road is above the territory-wide 20 average." 21 There are two provisos here. The first is there has 22 been demand of it. 23 CHAIRMAN: Sorry, where are you reading from? 24 MS MAGGIE WONG: From footnote 1, Mr Chairman, I apologise, 25 page 1819.</p>

Page 177	Page 179
<p>1 "There has been demand on it"; what do you mean?  2 MR TONY YAU: That's echo what I just mentioned before,  3 there are two ways to trigger the speed limit review.  4 The first one is the regular review. Regular review,  5 which follows the road types, and the frequency of  6 review, that means the table mentioned under paragraph  7 13. And the second way to trigger the speed limit  8 review will be triggered by public demand or accident  9 rate, and accident rate, I have just explained how to  10 compare with the territory-wide average.  11 CHAIRMAN: So public demand might be district councillors  12 communicating to you complaints made by residents; would  13 that be it?  14 MR TONY YAU: The members of the public.  15 CHAIRMAN: Through the district council?  16 MR TONY YAU: Maybe.  17 CHAIRMAN: We've seen that in the Tai Po Road itself. That  18 clearly is a public demand, is it not? Or don't you  19 regard that as a public demand?  20 MR TONY YAU: When we receive a demand from DC members, we  21 will consider a review.  22 CHAIRMAN: Yes.  23 MS MAGGIE WONG: You mentioned, "When we receive a demand  24 from DC members, we would consider a review." The "we",  25 who are you referring to?</p>	<p>1 review itself is quite technical. So it really depends  2 on the traffic engineer to conduct a speed limit review  3 and find out the most suitable speed limit for that  4 concerned road section.  5 MS MAGGIE WONG: In terms of the current practice, this  6 traffic engineer, if the accident rate doesn't meet the  7 criteria, would the traffic engineer, having received  8 a number of complaints, or the district council is  9 dissatisfied with the complaints and requests  10 the engineer to review it, would the engineer as  11 a protocol go and visit that particular site in  12 question?  13 MR TONY YAU: Yes.  14 MS MAGGIE WONG: So it's a protocol?  15 MR TONY YAU: Usually, the traffic engineer will have a site  16 visit with the concerned DC members, and see if -- even  17 though there may not be sufficient reason to trigger the  18 speed limit review, they may see on site what kinds of  19 traffic improvement measure can be done.  20 CHAIRMAN: By that, do you mean perhaps improving signage,  21 or chevrons, that sort of thing?  22 MR TONY YAU: Yes. Sometimes it improves the -- usually it  23 is the pedestrian crossing facility. They may find the  24 speed limit is too high, and they have difficulty  25 crossing the road.</p>
Page 178	Page 180
<p>1 MR TONY YAU: Usually, the DC members will approach our  2 district traffic engineers.  3 MS MAGGIE WONG: So it will be screened by the district  4 traffic engineer first, to see if it reached the  5 accident rate before it reached the working group; is  6 that the position?  7 MR TONY YAU: Yes. They would consider also -- accident  8 rate is one of their considerations. They will also  9 consider whether there is a significant change in the  10 environment around their district.  11 MS MAGGIE WONG: Yes. What do you mean by "significant  12 change in the environment"?  13 MR TONY YAU: For example, with some new developments,  14 property that will affect the traffic mix or increase  15 the traffic flows.  16 MS MAGGIE WONG: Is there a mechanism where if the distinct  17 council or district councillor, the public, disagrees  18 with the consideration given by the traffic engineer  19 that the road should be reviewed, what can the public do  20 in those circumstances, apart from going repeatedly to  21 the to traffic engineer? Is there a review mechanism  22 where it could reach the Working Group on Speed Limit  23 Review?  24 MR TONY YAU: Because, based on our current practice whether  25 to conduct a speed limit review or -- the speed limit</p>	<p>1 MS MAGGIE WONG: Still on that page, can I proceed to ask  2 you about that paragraph below the table:  3 "Over the past five years, speed limits of 143 road  4 sections have been reviewed and discussed in the Working  5 Group on Speed Limit Review."  6 These 143 road sections, is there a breakdown of  7 which road type it was?  8 MR TONY YAU: Yes, I have a record.  9 MR DEREK CHAN: Can you give us the figure?  10 MR TONY YAU: I will check whether I have the information  11 available.  12 I have a table showing all the road types of each  13 143 road sections, but do not have a summary or  14 an example of primary distributor or --  15 MS MAGGIE WONG: Yes. First of all, can you give us  16 an average of the road sections that would be reviewed  17 on a yearly basis?  18 MR TONY YAU: Average is at least 24 road sections, each  19 year.  20 MS MAGGIE WONG: Is that number a fixed number or can it be  21 changed subject to circumstances?  22 MR TONY YAU: Yes, it's the minimum number, at least we have  23 to review 24.  24 MS MAGGIE WONG: How do you select the 24 road sections?  25 MR TONY YAU: It's based on the regional engineer's</p>

Page 181	Page 183
<p>1 considerations.</p> <p>2 MS MAGGIE WONG: And the regional engineer considerations</p> <p>3 will be based on the three criteria you mentioned</p> <p>4 earlier?</p> <p>5 MR TONY YAU: Yes, and also the public demand, accident</p> <p>6 rate.</p> <p>7 MS MAGGIE WONG: Would this information be made public,</p> <p>8 these 143 road sections, or the 24 road sections that</p> <p>9 are going to be reviewed; would this information be made</p> <p>10 public so that the public knows the working group would</p> <p>11 review these 24 sections and give their comments before</p> <p>12 the working group convenes?</p> <p>13 MR TONY YAU: No. But if there are any changes in the speed</p> <p>14 limit finally recommended in the working group, we</p> <p>15 usually will consult the district council.</p> <p>16 MS MAGGIE WONG: You mention also in that paragraph that out</p> <p>17 of the 143 road sections reviewed, seven road sections</p> <p>18 have been recommended for speed limit changes.</p> <p>19 Can you tell us, first of all, these seven road</p> <p>20 sections, which type it is, or which road types they</p> <p>21 are?</p> <p>22 MR TONY YAU: For that seven road sections, two roads are</p> <p>23 primary distributors, one road is a district</p> <p>24 distributor, and two roads are sliproads of expressway,</p> <p>25 and one is a rural -- two primary distributors, one</p>	<p>1 provide more information about this 2015 in relation to</p> <p>2 these five roads types where the speed limit is</p> <p>3 decreased, and the specific sections which we are</p> <p>4 concerned with and the reasons why they are decreased in</p> <p>5 terms of speed limit, and the relevant minutes of the</p> <p>6 meeting of the working group.</p> <p>7 CHAIRMAN: Before the witness answers the question, may</p> <p>8 I enquire what is the relevance of this line of</p> <p>9 questioning?</p> <p>10 MS MAGGIE WONG: Mr Chairman, I wish to know on what basis,</p> <p>11 first of all, would it reach the working group in terms</p> <p>12 of specific road sections; and the second is what</p> <p>13 considerations have been given in the working group and</p> <p>14 what weight has been given in the working group as to</p> <p>15 the complaints made by the district council.</p> <p>16 Maybe, if they could address these two matters</p> <p>17 without minutes, I'm happy with that.</p> <p>18 CHAIRMAN: Ultimately, what is the purpose of finding out</p> <p>19 this information?</p> <p>20 MS MAGGIE WONG: It's whether we could improve the working</p> <p>21 group system or the protocol in terms of reviewing of</p> <p>22 road limits, when it comes to complaints from district</p> <p>23 council, without simply using the accident rate per</p> <p>24 territory-wide coverage, because it appears artificial.</p> <p>25 CHAIRMAN: You have in mind the benchmark being what</p>
Page 182	Page 184
<p>1 district distributor, two sliproads of expressway, one</p> <p>2 rural, and one local distributor.</p> <p>3 MS MAGGIE WONG: Second, the speed limit, you stated there</p> <p>4 that there had been changes. What is the change?</p> <p>5 MR TONY YAU: Five road sections, the speed limit is</p> <p>6 decreased, and two road sections, the speed limit is</p> <p>7 increased.</p> <p>8 MS MAGGIE WONG: So which are the road sections where the</p> <p>9 speed limit is decreased?</p> <p>10 MR TONY YAU: You mean the name of the road section?</p> <p>11 CHAIRMAN: Do you mean the name or the type of road?</p> <p>12 MS MAGGIE WONG: I mean first of all the road type, and if</p> <p>13 you would also be able to assist on the specific road</p> <p>14 sections, and the year.</p> <p>15 MR TONY YAU: Maybe, from the time chronology -- in 2015,</p> <p>16 for the five road types that the speed limit decreased,</p> <p>17 there is one primary distributor, one district</p> <p>18 distributor, one rural, one local distributor, and one</p> <p>19 sliproad of expressway. Those five road types have</p> <p>20 a decrease of their speed limit.</p> <p>21 For the two road sections have an increase of the</p> <p>22 speed limit, one is primary distributor and another one</p> <p>23 is sliproad of expressway.</p> <p>24 MS MAGGIE WONG: I see the time, Mr Chairman, but I would</p> <p>25 like to explore this. I would be grateful if you would</p>	<p>1 happened on this Tai Po Road section that we are</p> <p>2 concerned with?</p> <p>3 MS MAGGIE WONG: Yes, specifically.</p> <p>4 CHAIRMAN: Very well.</p> <p>5 Can you provide information as to that?</p> <p>6 MS MABLE CHAN: We will try to dig out those minutes to</p> <p>7 facilitate.</p> <p>8 CHAIRMAN: Thank you.</p> <p>9 MS MAGGIE WONG: In terms of -- before I go on with this</p> <p>10 paper, can I ask a few questions, going back to this</p> <p>11 Working Group on Speed Limit. May I ask a few questions</p> <p>12 as to why it is set up in the first place. We have</p> <p>13 information that this working group -- or rather you</p> <p>14 provided information that this Working Group on Speed</p> <p>15 Limit Review has been formed in 2000. Can you tell us</p> <p>16 why this Working Group on Speed Limit Review has been</p> <p>17 formed in 2000?</p> <p>18 MR TONY YAU: Yes. The working group was formed in 2000.</p> <p>19 In that year, I remember there's a LegCo paper, stating</p> <p>20 why we set the Working Group on Speed Limit, because at</p> <p>21 that time there is quite public enquiries or comments</p> <p>22 that the then road section, the speed limit were usually</p> <p>23 set too low and the police will invoke enforcement for</p> <p>24 those road sections. So there's quite a strong request</p> <p>25 from public, in particular the motorists' association,</p>

Page 185	Page 187
<p>1 that we have to review the speed limit with a view to</p> <p>2 seeing if any particular roads, any concerned road, the</p> <p>3 speed limit can be increased.</p> <p>4 CHAIRMAN: Who was it that suggested forming a working group</p> <p>5 to deal with the public concerns?</p> <p>6 MR TONY YAU: The Transport Department.</p> <p>7 CHAIRMAN: Thank you. Is that set out in the paper, the</p> <p>8 LegCo paper?</p> <p>9 MR TONY YAU: Yes.</p> <p>10 MS MAGGIE WONG: We have the LegCo paper pulled up on the</p> <p>11 screen and we will distribute copies now.</p> <p>12 CHAIRMAN: Do we have a bundle reference or not?</p> <p>13 MS MAGGIE WONG: I apologise, Mr Chairman, it is not in our</p> <p>14 bundle yet, but we picked it up from the LegCo</p> <p>15 documents. It is a document prepared by the Transport</p> <p>16 Bureau, dated 24 January 2000.</p> <p>17 Is that the paper that you -- or the LegCo paper you</p> <p>18 refer to in your evidence?</p> <p>19 MR TONY YAU: Yes.</p> <p>20 MS MAGGIE WONG: Thank you. If I may, for the purposes of</p> <p>21 the record, it is a LegCo paper headed or entitled,</p> <p>22 "Speed limit in Hong Kong", and this paper was presented</p> <p>23 by the Transport Bureau in relation to three aspects:</p> <p>24 the structure of speed limit categorisation and the</p> <p>25 criteria of setting speed limits on roads in Hong Kong;</p>	<p>1 adopted by the Transport Department. Is it a law?</p> <p>2 MR TONY YAU: No.</p> <p>3 CHAIRMAN: So what is it?</p> <p>4 MR TONY YAU: It's our current approach.</p> <p>5 CHAIRMAN: Transport Department's approach?</p> <p>6 MR TONY YAU: Administration's approach.</p> <p>7 CHAIRMAN: The government's approach?</p> <p>8 MR TONY YAU: Yes.</p> <p>9 CHAIRMAN: The Transport and Housing Bureau's policy</p> <p>10 approach?</p> <p>11 MR TONY YAU: Yes.</p> <p>12 CHAIRMAN: Is that expressed in any other document?</p> <p>13 MR TONY YAU: I'm not aware of that, apart from this paper,</p> <p>14 there is any paper about the speed limits structures.</p> <p>15 MS MABLE CHAN: Chairman, perhaps, if I may.</p> <p>16 CHAIRMAN: Please.</p> <p>17 MS MABLE CHAN: I would think that to put it in a more</p> <p>18 accurate context, it's the government approach as set</p> <p>19 out in the Transport Department's transport, planning</p> <p>20 and design manual. I may not say it to that far as</p> <p>21 a policy approach.</p> <p>22 CHAIRMAN: Transport, planning and design manual?</p> <p>23 MS MABLE CHAN: Yes.</p> <p>24 CHAIRMAN: Thank you.</p> <p>25 Ms Wong, we are already over time. I'm leaving it</p>
Page 186	Page 188
<p>1 second, the review of speed limits in Hong Kong; and the</p> <p>2 relationship between traffic accidents and speed limit.</p> <p>3 We can see in paragraph 3 there is this speed limit</p> <p>4 categorisation. In terms of low band, which is 50km per</p> <p>5 hour for urban or new town built-up areas; middle band,</p> <p>6 70 to 80 for areas outside urban or new town built-up</p> <p>7 areas; and high band, for 100km per hour for high</p> <p>8 standard expressways.</p> <p>9 If we go over the page --</p> <p>10 CHAIRMAN: Before you move on -- for how long has Hong Kong</p> <p>11 adopted that approach of these three bands, perhaps</p> <p>12 earlier expressed in miles per hour, but for how long</p> <p>13 have we had that approach?</p> <p>14 MR TONY YAU: I think around the same time that the paper is</p> <p>15 issued.</p> <p>16 CHAIRMAN: This came into being in 2000?</p> <p>17 MR TONY YAU: Yes, but before 2000, in Hong Kong, the speed</p> <p>18 limit of roads also generally can be classified in those</p> <p>19 three bands, but in that paper, in that LegCo paper, we</p> <p>20 clearly specified that Hong Kong have those three speed</p> <p>21 limits.</p> <p>22 CHAIRMAN: What is the status of this structure, the</p> <p>23 three-band structure?</p> <p>24 MR TONY YAU: It's still valid --</p> <p>25 CHAIRMAN: No. What is its status? This is an approach</p>	<p>1 to you to choose a moment when a topic is finished.</p> <p>2 MS MAGGIE WONG: Maybe just to end this topic.</p> <p>3 CHAIRMAN: Yes.</p> <p>4 MS MAGGIE WONG: What is the date of this manual that you</p> <p>5 refer to?</p> <p>6 MR TONY YAU: You mean the transport planning manual?</p> <p>7 MS MAGGIE WONG: Yes, the transport planning --</p> <p>8 CHAIRMAN: Presumably you update it from time to time.</p> <p>9 MR TONY YAU: Yes, we have submitted this copy to the</p> <p>10 secretary of the committee.</p> <p>11 CHAIRMAN: When was it born, this manual? Does it go back</p> <p>12 to the 1960s? 1950s?</p> <p>13 MR TONY YAU: Please wait. I need to check. It's based</p> <p>14 on -- I remember it's based on some similar UK manual at</p> <p>15 the time, and we drafted one to suit Hong Kong road</p> <p>16 conditions.</p> <p>17 CHAIRMAN: Yes. I have looked at a copy from the Hong Kong</p> <p>18 University, so I think it has its origins in the 1960s,</p> <p>19 doesn't it, UK in the 1960s?</p> <p>20 MR TONY YAU: Yes. That's the first edition.</p> <p>21 CHAIRMAN: Yes.</p> <p>22 MS MAGGIE WONG: Has this speed limit structure in the</p> <p>23 transport manual ever been reviewed or updated?</p> <p>24 MR TONY YAU: Yes. The concerned structure we will</p> <p>25 regularly update.</p>

Page 189	Page 191
<p>1 MS MAGGIE WONG: You mentioned "regularly update". On what 2 criteria would you update it?</p> <p>3 MR TONY YAU: We will check if there are any changes, say, 4 to overseas practice that triggers our update in light 5 of overseas matters.</p> <p>6 MS MAGGIE WONG: We will touch upon this overseas practice 7 maybe in the next session, but if I could go back to 8 this LegCo paper, just to finish off this document 9 before we break. It's in paragraph 6 of this LegCo 10 paper. It talks about the review of speed limit in 11 1999, and: 12 "... the administration commissioned the Transport 13 Research Laboratory (TRL) in the UK, an independent 14 leading transport research establishment in the world, 15 to carry out a study on the speed limits in Hong Kong." 16 It also specified some of the findings in the 17 paragraph that follows. 18 So my question is this. Apart from this 1999 19 commissioning of the Transport Research Laboratory in 20 the UK, has there been other commissioning of the 21 Transport Research Laboratory in recent years?</p> <p>22 MR TONY YAU: No.</p> <p>23 MS MAGGIE WONG: So that's the only one that has ever been 24 done?</p> <p>25 MR TONY YAU: Yes.</p>	<p>1 suitable traffic calming measure to make the vehicles 2 drive at such low speed limit.</p> <p>3 MS MABLE CHAN: So, to put it shortly, irrespective of 4 whether or not the Road Safety Audit team is in place, 5 this low speed limit zone, we have already started some 6 pilot scheme and study.</p> <p>7 CHAIRMAN: There's a lot of material available, isn't there?</p> <p>8 MS MABLE CHAN: Yes.</p> <p>9 MS MAGGIE WONG: When did you start this low speed limit 10 zone study?</p> <p>11 MR TONY YAU: We start the study under the walkability 12 study, and the walkability study commenced in December 13 2017.</p> <p>14 CHAIRMAN: What is the walkability study?</p> <p>15 MR TONY YAU: Walkability study, to review our current 16 standard and design to see if any particular measure or 17 innovative measure can enhance the pedestrian 18 environment so that encourage the road user to walk 19 more.</p> <p>20 CHAIRMAN: In the way that they have developed it in London?</p> <p>21 MR TONY YAU: London is one of our reference in this study.</p> <p>22 MS MABLE CHAN: This is quite relevant, Chairman, because 23 I notice, in the discussion with the expert about the 24 reference to certain road sections in London, that is 25 exactly one of the reference points for us in taking</p>
Page 190	Page 192
<p>1 CHAIRMAN: Is this document available publicly, this 2 consultancy report?</p> <p>3 MR TONY YAU: I don't think so. It may be a kind of 4 internal consultancy report.</p> <p>5 CHAIRMAN: Right. Is it a document you can provide to us?</p> <p>6 MR TONY YAU: Yes.</p> <p>7 MS MABLE CHAN: Yes, Chairman, certainly.</p> <p>8 CHAIRMAN: Thank you. If you could provide it, we'd be 9 grateful.</p> <p>10 MS MAGGIE WONG: So do I take it that apart from 1999, there 11 has not been a consultancy study or a big study on the 12 overseas practice in terms of speed limit structure in 13 Hong Kong since 1999?</p> <p>14 MR TONY YAU: No, there's not a particular consultancy study 15 on speed limit review, but as we mentioned in our paper 16 of low speed limit zones, we are aware that many of the 17 European cities implement some lower speed limit, say 18 20 miles per hour, it's similar to 30 kilometres per 19 hour. We are studying whether such measures would be 20 suitable in Hong Kong.</p> <p>21 MS MAGGIE WONG: Yes. I understand. That would be perhaps 22 a new job for the Road Safety Audit team; is that the 23 position?</p> <p>24 MR TONY YAU: No. This is different. The low speed limit 25 study is related to the road designs, whether it's a</p>	<p>1 forward the walkability study.</p> <p>2 While the study focuses or branches out from 3 improving the pedestrian environment, it actually 4 touches upon how to improve the road and also pedestrian 5 pathway, in order to ensure the safety and also to 6 enhance the ambience of the environment, and it touches 7 upon the study of whether low speed limit zones in some 8 of the road sections is worth considering.</p> <p>9 CHAIRMAN: Yes. The two go together, don't they?</p> <p>10 MS MABLE CHAN: Yes, the two go together.</p> <p>11 I would just like to add that in Hong Kong, we are 12 actually focusing on a few road sections in the urban 13 districts, in particular like Hong Kong Island.</p> <p>14 MS MAGGIE WONG: What is the membership of this walkability 15 study or low speed limit zone study? What is the 16 membership?</p> <p>17 MR TONY YAU: We appoint a consultant to do that.</p> <p>18 CHAIRMAN: And who are they?</p> <p>19 MR TONY YAU: Mott MacDonald.</p> <p>20 CHAIRMAN: Sorry, could you repeat that?</p> <p>21 MR TONY YAU: Mott MacDonald consultant.</p> <p>22 MS MAGGIE WONG: Maybe that is an appropriate time to stop, 23 Mr Chairman.</p> <p>24 CHAIRMAN: I'm sure it is.</p> <p>25 We will adjourn our proceedings. I ought to say</p>



1 this, for the record, that as I indicated at an earlier  
 2 stage in the day, we have been providing Prof Lo with  
 3 a running transcript, and in the course of the day he's  
 4 come back to us with questions, but obviously these  
 5 proceedings will have to be adjourned, and so, at the  
 6 resumed hearing, he can pose those questions. It might  
 7 well be that we are dealing with other topics and we  
 8 will have to go back to them, and it's better that he  
 9 should have the opportunity to put them himself. But he  
 10 has come back to us during the day.

11 So what we will do is adjourn now and we will resume  
 12 at a date that is mutually convenient to you, Ms Chan,  
 13 and your representatives, and counsel. We will have to  
 14 investigate diaries as to when that date is. But we  
 15 will confirm in due course when we will resume these  
 16 hearings.

17 MS MABLE CHAN: Thank you very much, Chairman.

18 CHAIRMAN: So we are now adjourned to a future date. Thank  
 19 you.

20 (5.48 pm)

21 (The hearing adjourned to a date to be fixed)

22  
 23  
 24  
 25

1	INDEX
2	PAGE
3	EVIDENCE FROM THE TRANSPORT DEPARTMENT: MS MABLE .....1
4	CHAN, MS AMY LEE, MS AMY TSE, MR PATRICK
5	WONG, MR YK CHAN, MR WILLIAM SHUM,
6	MR TONY YAU
7	Examination by MR DEREK CHAN (continued) .....2
8	Examination by MS MAGGIE WONG .....160
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	