

LCQ14: Road safety of non-franchised buses

Following is a question by the Hon Ho Kai-ming and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 9):

Question:

On November 30 last year, a serious traffic accident involving a non-franchised bus happened on Cheung Tsing Highway in Tsing Yi, causing six deaths and some 30 persons injured as well as arousing public concern. The Transport Department subsequently held a meeting with the trade in respect of the road safety of non-franchised buses. In this connection, will the Government inform this Council:

- (1) of the number of traffic accidents involving non-franchised buses in each of the past three years, with a breakdown by type of accidents;
- (2) of the progress of the authorities' work on formulating guidelines on the working hours, rest times and meal breaks for non-franchised bus captains; and
- (3) whether the authorities will take measures (e.g. stepping up law enforcement) to improve the road safety of non-franchised buses; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government attaches great importance to road safety and has been adopting a multi-pronged approach to enhancing the road safety of non-franchised buses (NFBs). My reply to the various parts of the Hon Ho Kai-ming's question is as follows:

(1) The number of traffic accidents involving NFBs each year from 2016 to November 2018 by the degree of severity is tabulated below:

	Number of accidents		
	Fatal	Serious	Slight
2016	6	43	388
2017	8	40	391
2018 (January to November)*	4	28	338

* Provisional figures

(2) and (3) The Government has been adopting a multi-pronged approach to enhancing the road safety of NFBs. On law enforcement, the Police have been taking stern and vigorous enforcement actions in recent years to combat improper driving behaviour. To this end, roadside equipment such as red light cameras and speed enforcement cameras as well as mobile instruments such as laser guns, are used for enforcement actions. At the same time, the Police are taking enforcement actions according to the "Selected Traffic Enforcement Priorities" (such as operations that target speeding, use of mobile phones/telecommunications equipment while driving, drink driving, drug driving, etc.). In addition, the Police take regional and territorial level traffic enforcement actions regularly with a view to reminding motorists to stay alert, reducing the risk of traffic accidents and enhancing road safety.

Apart from enforcement, the Government also joins forces with the Road Safety Council to launch publicity and educational activities on a regular basis, and produce announcements of public interest (APIs) and publications targeting motorists (including drivers of commercial vehicles) for the promotion of road safety. For example, a new API on television recently produced reminds motorists to "always concentrate when driving" and "stay alert while driving". Every year, the Transport Department (TD) organises the Safe Driving and Health Campaign, and produces pamphlets such as Road Safety Bulletin and Non-franchised Bus Bulletin to provide motorists with comprehensive road safety information to enhance their understanding of matters on road safety that require attention. The TD also collaborates with the Police in holding regular Road Safety Seminars for Franchised and Non-franchised Bus Captains, at which police officers are invited to give bus captains of franchised buses and NFBs tips on safe driving and analyse causes of traffic accidents so as to enhance the road safety awareness of bus captains and promote good driving behaviour.

In addition, the TD holds meetings with the NFB trade regularly to discuss matters on the trade's operation, including operational safety. In response to the recent traffic accident involving an NFB, the TD held a special meeting with the trade on December 5, 2018 to discuss ways to enhance operational safety of NFBs, including installing and providing safety devices on NFBs, applying technologies to enhance operational safety, and drawing up guidelines on working hours and rest times for NFB drivers, etc.

Regarding seatbelts, the major NFB operators have been purchasing new buses equipped with seatbelts in recent years. The trade also supports enacting legislation to compulsorily require newly registered NFBs to be fitted with seatbelts. The TD will review the suggestions on installing seatbelts on NFBs and requiring passengers to fasten seatbelts. Consideration will be given to various factors, such as safety benefit, technical feasibility, overseas practices, as well as impact on vehicle operation, passengers and the trade, and views from stakeholders, etc.

At the said meeting, the TD also suggested that the NFB trade should install other safety devices on vehicles and use technology to enhance safety, including speed limiter, tachograph (commonly known as "blackbox")

and electronic stability control system. The trade was in support of these suggestions, and would proactively consider installing relevant devices when procuring new buses. Where actual operational condition permitted, the trade would be willing to introduce a bus driver monitoring system (for example, collision prevention alert system) to some NFBs for testing purposes. The TD will offer assistance and advice in that regard.

Meanwhile, the TD has been attaching great importance to the occupational health of NFB drivers, and urging the NFB operators to ensure not only operational safety of NFBs, but also a good balance between work and rest for their drivers to avoid fatigue driving. As regards formulating guidelines on the working hours, rest times and meal breaks for NFB drivers, the trade has agreed to the proposal in principle. Since NFB operation involves different types of services, mainly providing hire services based on the demand of specific passenger groups, the trade considers that the formulation of the details of such guidelines should take into account the existing mode of operation of NFBs. The trade has pledged to continuously engage in further discussions with the TD with a view to formulating and implementing relevant guidelines as promptly as possible.

In order to follow up on and expedite the implementation of the above specific measures for enhancing NFBs' operational safety, the TD will set up a special working group under its regular meetings with the NFB trade to further discuss and follow up on the aforementioned matters. The working group will hold its first meeting in mid-January 2019.

[Hong Kong and Japan sign Memorandum of Cooperation \(with photos\)](#)

The Department of Justice (DoJ) of the Hong Kong Special Administrative Region (HKSAR) and the Ministry of Justice of Japan signed a Memorandum of Cooperation (MoC) today (January 9) to strengthen their collaboration on issues relating to international arbitration and mediation.

The Secretary for Justice, Ms Teresa Cheng, SC, and the Minister of Justice of Japan, Mr Takashi Yamashita, signed the MoC at a ceremony in the HKSAR.

The MoC provides a framework for Hong Kong and Japan to strengthen their communication, collaboration and co-operation on issues relating to international arbitration and mediation and to facilitate the development of services for international arbitration and mediation in Hong Kong and Japan.

The International Affairs Division of the Minister's Secretariat of the Ministry of Justice will be the focal point for Japan while the newly established Inclusive Dispute Avoidance and Resolution (IDAR) Office of the

DoJ will be the focal point for Hong Kong, to be responsible for implementation of the MoC. The IDAR Office spearheads the co-ordination of initiatives to promote Hong Kong as an ideal hub for deal making and a leading centre for international legal and dispute resolution services. It aims to facilitate access to justice and promote inclusive growth and sustainable development.

The MoC reflects the joint efforts of Hong Kong and Japan in strengthening their co-operation and exchange of information regarding training in international arbitration and mediation, and provides a framework for the DoJ and the Ministry of Justice of Japan to promote collaborative initiatives and exchanges. It is expected that Hong Kong and Japan will benefit greatly from their co-operation in the development and provision of arbitration and mediation services.



[LCQ15: Administration Guides and the relevant regulations applicable to aided schools and kindergartens](#)

Following is a question by the Hon Ip Kin-yuen and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today

(January 9):

Question:

Regarding the School Administration Guide for aided schools and the Kindergarten Administration Guide for kindergartens joining the Free Quality Kindergarten Education Scheme promulgated by the Education Bureau (EDB), as well as the relevant regulations, will the Government inform this Council:

(1) whether the contents of the School Administration Guide were cited in the judgments handed down by courts in the past five years; if so, set out the case numbers of such cases;

(2) whether, in the past five years, EDB received any reports about schools breaching the requirements in the School Administration Guide, or uncovered breaches of this type after investigation; if EDB did, of the details and effectiveness of the follow-up actions taken, and whether there were school authorities ignoring such follow-up actions; if so, how EDB handled the situation;

(3) as some members of the sector have relayed that the guideline for handling staff complaints provided in paragraph 5.5 of the Kindergarten Administration Guide is vague and general (e.g. not providing a detailed approach for handling staff complaints), whether EDB will formulate more specific guidelines (including a recommended procedure);

(4) whether it has assessed if the chapters and sections in the two guides, other than those parts specifying that compliance with the relevant regulations is required, are legally binding; if it has assessed and the outcome is in the affirmative, of the details, and whether the two guides have the same legal binding effect; if they do not, of the differences;

(5) given that Regulation 76(2)(a) of the Education Regulations (Cap. 279 sub. leg. A) stipulates the requirement that the dismissal of a teacher in the establishment must be approved by the managers of the school, and Section 6 of the Compendium to Code of Aid for Aided Schools sets out in detail the conditions and procedures for dismissal of teachers by aided schools and for termination of service by their teachers, but these provisions are not applicable to kindergartens joining the Free Quality Kindergarten Education Scheme, whether EDB will introduce relevant provisions for this type of kindergartens; if EDB will, of the details; if not, the reasons for that; and

(6) whether EDB consulted, in the past decade, members of the sector each time before it amended the School Administration Guide; if EDB did, of the consultation channels involved; if not, the reasons for that, and whether EDB will consult members of the sector when revising the two guides in future; if EDB will not, of the reasons for that?

Reply:

President,

All schools (including primary and secondary schools as well as kindergartens (KGs)) are required to comply with the Education Ordinance, Education Regulations, other legislations, and circulars and guidelines issued by the Education Bureau (EDB).

For aided primary and secondary schools, the Government has put in place various measures to facilitate schools' implementation of school-based management, including more flexible funding arrangements, streamlined administrative procedures, and devolved more responsibilities in personnel management, financial and curriculum matters to schools. These measures give schools greater flexibility in their daily operation, resources management and planning for school development. As a result, schools can formulate their own school-based policies which better meet their needs as well as those of their students, develop their own characteristics and enhance the learning outcomes. The School Administration Guide, containing relevant excerpts of the Education Ordinance, Education Regulations, other legislations, and requirements and guidelines from the EDB on different areas for the reference and compliance of aided schools, facilitates schools in achieving the spirit of school-based management by formulating school-based policies and relevant procedures in respect of major areas of school administration and management to ensure smooth daily operation.

For KGs, the Government has implemented the new KG education scheme (Scheme) starting from the 2017/18 school year. The EDB has promulgated the implementation details of the Scheme by issuing a series of circulars and guidelines, organising briefing sessions and uploading the relevant information to the EDB website. In tandem, KGs have to comply with the Operation Manual for Pre-primary Institutions, the KG Education Curriculum Guide as well as instructions and circulars issued by the EDB. For ease of reference by KGs, the EDB compiled the KG Administration Guide by consolidating the relevant information, delineating some basic principles, providing detailed operating procedures and incorporating some existing practices. Given the differences in nature, operation and funding mode between aided schools and KGs joining the Scheme (Scheme-KGs), it is not appropriate to make direct comparison between the two guides.

Regarding the question raised by the Hon Ip Kin-yuen on the School Administration Guide and the KG Administration Guide, my reply is as follows:

(1) The EDB does not compile statistics on whether the contents of the School Administration Guide were cited in the court judgements. Hence, such information is not available.

(2) When conducting investigations on complaints or financial audit inspections, etc, the EDB has uncovered individual cases of non-compliance, such as not following the established procurement procedures. In such cases, we will obtain further details from the schools concerned and provide them with appropriate guidance and advice, including requiring the schools to make rectifications or formulate follow-up/improvement plans as practicable.

Schools generally heed our advice on making suitable rectifications and reviewing their school-based mechanisms to prevent the recurrence of similar cases. If the schools still fail to make improvements without reasonable justifications, we will take further actions on a case-by-case basis. These include issuing advisory or warning letters and drawing up follow-up measures with the incorporated management committees and school sponsoring bodies to ensure that the schools comply with the Education Ordinance, Education Regulations, Codes of Aid, relevant legislations and the requirements and guidelines from the EDB.

(3) Notwithstanding that Scheme-KGs are subsidised by the Government, they differ from aided schools in operation and monitoring. There can be wide differences among individual KGs in terms of their scale of operation and management structure. Hence, the EDB sets out the basic principles for handling staff complaints, leaving essential room and flexibility for KGs to make their school-based arrangements in the light of their circumstances. We will continue to seek stakeholders' views on the feasibility of providing more specific guidelines.

(4) The School Administration Guide and KG Administration Guide are not legislative provisions. As stated above, these two guides incorporate the respective requirements and guidelines on daily operation for reference and compliance by aided schools and Scheme-KGs. In these two guides we also remind schools to comply with the relevant legislations, including the Education Ordinance, Education Regulations, Employment Ordinance, etc, and that they are bound by these legislations. As for the specific requirements under the Scheme, they are applicable to Scheme-KGs only. KGs not joining the Scheme are not bound by these requirements.

(5) Just like other schools, KGs, regardless of whether they have joined the Scheme, are required to comply with the Employment Ordinance, Education Ordinance and Education Regulations. For example, Section 76 of the Education Regulations provides that the appointment of any teacher who is to be employed in the school for a term for not less than six months shall be approved by the majority of the managers of the school, while the dismissal of any teacher who is employed for a term for not less than six months shall be approved by the majority of the managers of the school at a meeting of the management committee. Since Scheme-KGs are not aided schools and their operation and mode of funding are different from those of aided schools, conditions and procedures applicable to aided schools would not be directly applied to the Scheme-KGs.

(6) The requirements and guidelines stipulated in the School Administration Guide and KG Administration Guide are generally related to various EDB policies. When formulating or revising major policies, the EDB has all along consulted relevant stakeholders according to the nature and coverage of the respective policies. Consultation is usually conducted through meetings with stakeholders or their written submissions.

Limited Registration approved for overseas doctors

The following is issued on behalf of the Hospital Authority:

The Hospital Authority (HA) spokesperson today (January 9) announced that confirmation has been received from the Medical Council of Hong Kong on the approval of five renewal applications of non-locally trained doctors for practice with Limited Registration in public hospitals to help relieve the front-line workload. The five doctors have been serving in the Anaesthesia, Emergency Medicine, Family Medicine and Internal Medicine Departments.

The spokesperson said currently there are 10 non-locally trained doctors working in public hospitals under Limited Registration to relieve manpower shortage and workload pressure of front-line doctors in the specialties of anaesthesia, cardiothoracic surgery, emergency medicine, family medicine and internal medicine.

"The HA will continue to exhaust every effort to attract fully registered local doctors and retain public doctors. Meanwhile, we would like to express appreciation to all doctors for their commitments and contributions to serving the public under manpower constraint," the spokesperson said.

LCQ19: Repair and maintenance of the lifts in buildings of public housing estates originally planned to be HOS

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 9):

Question :

Some residents of public rental housing (PRH) have relayed to me that the flats in the buildings in which they live were originally planned for sale under the Home Ownership Scheme but are eventually used for rental purpose, and that the lifts in such buildings frequently break down which has

seriously affected their daily lives. Regarding the repair and maintenance of the lifts in such type of buildings, will the Government inform this Council:

(1) of the (i) name, (ii) age, (iii) number of residents by design, (iv) number of residents to date, (v) number of lifts therein, (vi) name of the lift maintenance contractor and (vii) name of the property management company, of each building, to be set out in a table by name of the public housing estate;

(2) of the number of lift failures in each building in each of the past five years; among such cases, (i) the number of those in which services were suspended for more than three days, together with a breakdown by reason of the failure (if a lack of spare parts was one of the reasons, of the original warranty period of the lift concerned and how the contractor concerned solved the problem), and (ii) the respective numbers of cases in which the lifts broke down again (a) within less than 24 hours and (b) between the 24th to 48th hour after completion of repair works;

(3) whether it has taken measures to reduce lift failures in such buildings in order to avoid affecting residents' daily lives; if so, of the details; if not, the reasons for that; and

(4) whether the relevant lift installation contracts required the contractor to keep sufficient spare parts for replacement in future; if so, of the details; if not, whether it will consider adding such a requirement in the relevant contracts in future?

Reply:

President,

My consolidated reply to the question raised by the Hon Leung Yiu-chung is set out below:

The Hong Kong Housing Authority (HA) attaches great importance to lift safety. All lifts in the HA's public rental housing (PRH) estates are maintained and repaired by Registered Lift Contractors in accordance with the Lifts and Escalators Ordinance, "Code of Practice for Lift Works and Escalator Works" issued by the Electrical and Mechanical Services Department, and the requirements of the maintenance contracts.

The HA has been adopting proprietary maintenance to ensure that lift maintenance contractors can obtain sufficient support from the lift manufacturers, including the supply of adequate and suitable spare parts. In addition, there are stringent requirements in the HA's maintenance contracts. For example, lift maintenance contractors are required to submit quarterly reports and record the conditions of major safety devices in the lifts; as well as conduct routine maintenance on a weekly basis to ensure that the lifts can maintain a safe and stable working condition, so as to provide reliable service for residents. Furthermore, the HA would regularly inspect and monitor the performance of lift maintenance contractors, and conduct surprise check against the condition of lifts, to ensure that all lifts

operate in good order.

Nineteen PRH estates (105 blocks) under the HA are transferred from the Home Ownership Scheme. Same as other PRH and subsidised sale flats constructed by the HA, the lifts of such blocks were designed with the appropriate numbers, sizes and speeds according to the prevailing design standard at the time and the block types, with a view to providing adequate lift services to cater for residents' need. The HA has allowed flexibility in the calculation to cater for the change in the number of residents. Information about these blocks and their lifts are at Annex 1.

The HA has maintained consolidated records regarding lift breakdowns since 2015. Between January 2015 and November 2018, 3 173 breakdowns were recorded for the 428 lifts of the above-mentioned 105 blocks (details are at Annex 2). Ten cases required service suspension for more than three days for repair, mainly because of defective control circuits and lift door damages by vandalism. None of these cases involved the recurrence of breakdown within 48 hours after repair.

The HA will continue to take proactive measures, to ensure the provision of quality maintenance services for its lifts and their good working order.