

LCQ2: Use of van-type light goods vehicles by government departments

Following is a question by the Hon Frankie Yick and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (May 22):

Question:

At present, certain government departments have signed contracts with cargo transportation services companies or platforms for hiring van-type light goods vehicles (vans) on a long-term basis. Although vans may, under the law, only be used for transporting goods, it has been reported that some government departments have used vans for other purposes, such as transporting staff to and from workplaces and transferring suspects. Some staff members who travel on such vehicles are worried that the third party risks insurance for such vehicles may have been rendered invalid as a result of such vehicles being used for illegal purposes, thereby depriving them of the protection. Moreover, as van drivers are not government officers, the use of vans for carrying out law enforcement operations increases the risk of leakage of confidential information. In this connection, will the Government inform this Council:

(1) of the details of the hiring of vans by the various government departments in each of the past three years, including the respective numbers of vehicle hiring companies and vehicles involved, the numbers of hires, the uses of the vehicles, and the amounts of expenditure incurred;

(2) whether the various government departments have issued their staff with directives which forbid the use of vans for purposes other than transporting goods; if so, of the details, and whether any government officer was penalised in the past three years for contravening such directives; if so, of the details; if not, whether it has studied if it was due to inadequate monitoring; and

(3) of the measures put in place to ensure that the various government departments use vans in a lawful way to avoid the third party risks insurance for such vehicles being rendered invalid and the Government's confidential information being leaked?

Reply:

President,

According to Clause 267 of the General Regulations, commercial transport may be hired for duty journeys only when no suitable government departmental vehicle or the Government Logistics Department (GLD) transport service is available. Departments must seek approval from the Director of the Government

Logistics before hiring commercial transport. For hiring vehicle types that are not available at the GLD Transport Pool, approval should be sought from the Controlling Officers of the respective departments concerned.

The procedures for hiring commercial transport are set out in the relevant GLD Circular. To facilitate departments in coping with additional or non-recurrent transport service needs, including seasonal demand or short-term needs, the GLD will consolidate the forecast of usage from various departments and arrange bulk contracts for hiring light goods vehicles (LGVs) to provide services to departments in a cost-effective manner. If individual departments require a large amount of transport services to cope with their operational needs, they may arrange their own LGV hiring contracts.

It is stipulated in the Conditions of Contract or Service Specifications that contractors shall comply with the laws of Hong Kong, including the Road Traffic Ordinance (Cap. 374), and the vehicles shall only be used for transporting goods and passengers accompanying the goods. This applies to both the LGV hiring contracts arranged by the GLD and individual departments. User departments have the responsibility to ensure the lawful and proper use of hired LGVs.

After consulting various departments, a consolidated reply to the three parts of the question is as follows:

(1) As at March 31, 2019, the Hongkong Post, the Food and Environmental Hygiene Department, the Electrical and Mechanical Services Department, the Water Supplies Department, the Immigration Department, the Buildings Department, the Department of Health, the GLD and the Judiciary have entered into LGV hiring contracts with a contract period of one year or above. In general, the goods transported by LGVs arising from the operational needs of departments include documents and files, uniforms, tools, cleansing products, office furniture and equipment, etc. Information on the numbers of contractors, vehicles, hiring orders, as well as the expenditure incurred in hiring LGV service by the above departments in the past three years under contracts with a period of one year or above is set out at Annex. The information does not include LGV hiring service procured through one-off quotation or contracts with a contract period shorter than one year.

(2) and (3) The GLD has been monitoring the usage of LGV hiring services. The GLD has regularly reminded all departments that they shall comply with the laws when using LGV service, and LGVs should not be used for carrying passengers. According to the information provided by departments, they have also issued guidelines or reminded their staff that the use of LGV for purposes other than transporting goods is forbidden.

The GLD is responsible for administering the LGV hiring contracts that it has arranged, including assessing the requirements of user departments, inviting tenders and awarding contracts, issuing guidelines to user departments, requesting user departments to report on the performance of contractors regularly and monitoring the fulfilment of contracts, etc. To monitor the performance of contractors, the GLD also conducts surprise

inspections, which include checking whether the vehicles and drivers comply with contractual terms and specifications. User departments should ensure the proper use of the vehicles provided by the GLD's contractors. If irregularities are spotted by the GLD or upon referral from contractors concerning departments' use of LGVs, the GLD will follow up the cases with the departments concerned.

If the LGV hiring contracts are arranged by individual departments, the departments concerned shall be responsible for the day-to-day contract administration, including supervising their staff to use the hired vehicles and monitoring the service quality, etc.

Before the said media reports, the GLD had already issued inspection guidelines to all departments, requesting them to conduct inspections from time to time and submit inspection reports, so as to monitor and ensure that the LGVs would be used by their staff in accordance with the law.

Over the past three years, the GLD and various departments had conducted over 4 000 inspections. There were no reports on the use of hired LGVs for purposes other than transporting goods. The GLD has not received any complaint or report on disciplinary actions regarding inappropriate use of LGV hiring services.

In general, the departments concerned shall take appropriate administrative measures or disciplinary actions in case of incompliance of staff's behaviour, conduct and performance of departmental staff with government regulations, rules, orders or codes (such as inappropriate use of LGV hiring services) or contravening the Civil Service Code in disclosing confidential information received in the course of their duties. If the GLD discovers that departments do not use the LGV hiring services properly, it will remind the departments concerned to take appropriate administrative measures or disciplinary actions as appropriate.

Thank you, President.