

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 333/05-06

Ref : CB(3)/M/OR

Tel : 2869 9205

Date : 13 February 2006

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 1 March 2006**

**Proposed resolutions under the Public Bus Services Ordinance**

I forward for Members' consideration three proposed resolutions which the Secretary for the Environment, Transport and Works will move at the Council meeting of 1 March 2006 under the Public Bus Services Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speeches, in both English and Chinese versions, which the Secretary for the Environment, Transport and Works will deliver when moving the proposed resolutions, are also attached.

(Ray CHAN)  
for Clerk to the Legislative Council

Encl.

## PUBLIC BUS SERVICES ORDINANCE

---

### RESOLUTION

(Under section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230))

---

RESOLVED that the franchise granted on 10 January 2006 under section 5 of the Public Bus Services Ordinance (Cap. 230) conferring the right on Citybus Limited (城巴有限公司) to operate a public bus service on the following routes shall not, for the entire period of the franchise, be subject to sections 27, 28, 29 and 31 of that Ordinance –

- (a) the routes specified in the appropriate Schedule of Routes order from time to time in force in respect of the company under section 5(1) of that Ordinance; and
- (b) the routes specified in any notices under sections 14 and 15 of that Ordinance.

## PUBLIC BUS SERVICES ORDINANCE

---

### RESOLUTION

(Under section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230))

---

RESOLVED that the franchise granted on 10 January 2006 under section 5 of the Public Bus Services Ordinance (Cap. 230) conferring the right on New Lantao Bus Company (1973) Limited (新大嶼山巴士(1973)有限公司) to operate a public bus service on the following routes shall not, for the entire period of the franchise, be subject to sections 27, 28, 29 and 31 of that Ordinance –

- (a) the routes specified in the appropriate Schedule of Routes order from time to time in force in respect of the company under section 5(1) of that Ordinance; and
- (b) the routes specified in any notices under sections 14 and 15 of that Ordinance.

## PUBLIC BUS SERVICES ORDINANCE

---

### RESOLUTION

(Under section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230))

---

RESOLVED that the franchise granted on 10 January 2006 under section 5 of the Public Bus Services Ordinance (Cap. 230) conferring the right on The Kowloon Motor Bus Company (1933) Limited (九龍巴士(一九三三)有限公司) to operate a public bus service on the following routes shall not, for the entire period of the franchise, be subject to sections 27, 28, 29 and 31 of that Ordinance –

- (a) the routes specified in the appropriate Schedule of Routes order from time to time in force in respect of the company under section 5(1) of that Ordinance; and
- (b) the routes specified in any notices under sections 14 and 15 of that Ordinance.

[The first motion: Citybus Limited (Hong Kong Island and Cross-Harbour Routes)]

Madam President,

I move that the first motion under my name, as printed on the Agenda, be passed.

2. The Chief Executive in Council approved the granting of new franchises of 9 years and 11 months to Citybus Limited (“Citybus”) (Hong Kong Island and cross-harbour routes), New Lantao Bus Company (1973) Limited (“NLB”) and Kowloon Motor Bus Company (1933) Limited (“KMB”) on 10 January 2006. The new franchises for Citybus, NLB and KMB will start from 1 July 2006, 1 April 2007 and 1 August 2007 respectively.

3. Sections 26 to 32 of the Public Bus Services Ordinance set out the provisions of a Profit Control Scheme. They stipulate a permitted return that a franchised bus company can earn in an accounting year, calculated with reference to the percentage per annum specified in its franchise of its average net fixed assets in that accounting year. In accordance with section 5(3)(b) of the Ordinance, unless excluded by resolution of the Legislative Council, the Profit Control Scheme will apply to the new franchises.

4. At present, all the existing bus franchises do not have the permitted return arrangement. In negotiating this batch of new franchises with Citybus, NLB and KMB, we made clear that there would not be arrangements for a permitted return. Indeed, the new franchises granted by the Chief Executive in Council on 10 January 2006 do not have a permitted return arrangement. In view of this, we need to disapply sections 27, 28, 29 and 31 of the Public Bus Services Ordinance to the aforementioned new franchises. Sections 26, 26A, 30 and 32 will continue to apply for the following reasons –

- (a) section 26 defines terms used in the following sections;
  - (b) section 26A specifies that financial penalties levied against a bus company shall not be taken into account in ascertaining the operating cost or service related expenditure of the company for any purpose related to the Public Bus Services Ordinance or the franchise;
  - (c) section 30 enables the Government to specify in the franchise depreciation rates and residual values in respect of fixed assets used or kept by a bus company for the purpose of or in connection with its franchise; and
  - (d) section 32 requires a bus company to produce accounts and other information in relation to the public bus service operation as the Financial Secretary may require.
5. With these remarks, I move the relevant motion so as to disapply the Profit Control Scheme to the new franchise of Citybus Limited. Thank you, Madam President.

[The second motion: New Lantao Bus Company (1973) Limited]

Madam President,

I move that the second motion under my name, as printed on the Agenda, be passed so as to disapply the Profit Control Scheme to the new franchise of New Lantao Bus Company (1973) Limited.

[The third motion: Kowloon Motor Bus Company (1933) Limited]

Madam President,

I move that the third motion under my name, as printed on the Agenda, be passed so as to disapply the Profit Control Scheme to the new franchise of Kowloon Motor Bus Company (1933) Limited.