

Ms. Audrey Eu (chair) and Miss Kitty Cheng ( Legal Adviser )

Panel of Environmental Affairs

Legislative Council

Dear Ms. Cheng,

The South China Morning Post reported that the Environmental Protection Department is proposing the following amendment to the idling engine law: "any two red minibuses at a stop would be exempted if there were passengers in the first vehicle". We ask you to examine the lawful operation of red PLB stands. The need for this exemption will only happen when the PLB stand is being operated illegally.

*The relevant legal requirement is that a PLB driver must **move up his vehicle as vacancies occur.***

### **Basic operation of Red PLBs**

Red PLBs are allowed to pick up and set down passengers anywhere they are not explicitly forbidden to do so. They are free market, and there is no legal relationship between any two red PLBs defined by the Transport Department. *This wording would establish in law an implied legal relationship between "any two" red PLB in a stand that does not exist.*

### **Red PLB stands.**

The Transport Department, to better regulate PLBs in busy areas, has established some red PLB stands. There is only one "first" PLB in these stands - the vehicle at the head of the queue. The "second" vehicle is immediately behind the first PLB in the queue. There is no legal relationship between any pair of vehicles further back in the queue. Red minibuses are a free market and - unlike green PLBs - no red PLB is granted any special privileges over any other red PLB. For example, no red PLB is allowed to lawfully identify any part of any pavement as a stop to a certain location and refuse to move forward in the queue as vacancies occur. Yet most do so.

Currently, there is no law that describes when the first red PLB must vacate the "first" position in the queue. However, the law does state that no PLB may obstruct another PLBs in the queue. There is no law prohibiting a red PLB further back in the queue allowing passengers to board before the first PLB vacates the queue. This, operationally, creates a problem because PLB drivers wait at the pavement they have staked out, and refuse to move forward as vacancies occur.

## Red PLB stands operated contrary to law

The laws governing Red PLB stands are similar to taxi stands - first in - first out - however, as I have mentioned, there is no law explaining when a red PLB must vacate the front of the stand. It is not legal for a PLB to wait for passengers without pulling forward - yet most do so anyway. It is also unlawful for red PLBs to enter the queue except from the end of the queue in order. Yet many do so anyway.

The law governing red PLB stands is listed below with the fixed penalty offences in bold. We must wait for the actual wording of the proposed amendment, however, it appears that it will serve to establish a legal right to "any two" red PLBs claiming a piece of the pavement for their preferred location, not moving forward as required, and moving in tandem to exclude any others from profiting from passengers going to the same destination.

Regards,

Annelise Connell

Mini Spotters

Chapter: 374D	Title:	ROAD TRAFFIC (PUBLIC VEHICLES) REGULATIONS	Gazette SERVICENumber:
Regulation: 35	Heading:	<b>Conduct at public light bus stands</b>	Version Date: 30/06/1997

- (1) The driver of each of the first 2 public light buses standing at a public light bus stand-
  - (a) **shall not, without reasonable excuse, leave his vehicle; and**
  - (b) **shall be ready and willing at all times to drive his vehicle from the stand.**
- (2) The driver of a public light bus standing at a public light bus stand shall-
  - (a) **move up his vehicle as vacancies occur;**
  - (b) **if he is requested to do so by the driver of another public light bus, move his vehicle in order to permit the other public light bus to be driven from the stand; and**

(c) move his vehicle, in accordance with any direction given to him by a police officer or traffic warden in uniform, from the stand or to any position within the stand.

(3) No person shall without lawful authority obstruct-

(a) a driver of a public light bus from-

(i) moving his vehicle into a public light bus stand, which has a vacant space therein;

(ii) moving his vehicle forward in turn to any space in front of his vehicle that becomes vacant within the public light bus stand;

(iii) picking up passengers when his vehicle is stopped or standing within a public light bus stand; or

(iv) moving his vehicle away from a public light bus stand; or

(b) any other person from boarding a public light bus that is stopped or standing within a public light bus stand.

(4) Nothing in this regulation shall be construed as preventing the driver of a public light bus from parking his vehicle at a public light bus stand where a traffic sign and time plate referred to in regulation 34(1) so permit.