

立法會
Legislative Council

LC Paper No. LS 39/10-11

**Paper for the House Committee Meeting
on 18 March 2011**

**Legal Service Division Report on
Proposed Resolution under section 23(3) of the
Road Traffic Ordinance (Cap. 374)**

The Secretary for Transport and Housing has given notice to move a motion at the meeting of the Legislative Council on 30 March 2011. The purpose of the motion is to seek the Legislative Council's approval to further extend, for five years up to 20 June 2016, the period during which the current limit on the number of registered public light buses (PLBs) is to continue to be in force.

2. Under section 23(1) of the Road Traffic Ordinance (Cap. 374) (the Ordinance), the Chief Executive in Council may by notice in the Gazette limit the number of a particular class of vehicles which may be registered. The limit so notified shall remain in force for such period not exceeding 12 months but the Legislative Council may, pursuant to section 23(3) of the Ordinance, from time to time extend the period. The current Public Light Buses (Limitation on Number) Notice (Cap. 374 sub. leg. K), which limits the total number of vehicles which may be registered as PLBs to 4,350, came into operation on 20 June 1986. The period for which the limit remains in force has been extended from time to time through resolutions of the Legislative Council and it was last extended in May 2006 for five years up to 20 June 2011.

3. According to the Secretary for Transport and Housing's draft speech, the total number of PLBs has been limited to 4,350 since 1976. The Administration considers it appropriate to extend the existing limit on the total number of PLBs for five years up to 20 June 2016, having regard to the function of PLBs to support and supplement mass carriers, the patronage of PLB services since 2006 and the commissioning of new railways in the coming decade.

4. The Administration consulted the PLB trade in January 2011 on whether the current fleet size of PLBs should be maintained. The views of operators of other public transport modes were also obtained. According to the Secretary for Transport and Housing's draft speech, about 97% of the written

submissions from the PLB trade indicated support for maintaining the current fleet size of PLBs, whereas operators of other public transport modes expect the current limit to remain unchanged.

5. The Panel on Transport discussed, at its meeting on 25 February 2011, the Administration's intention to extend the effective period of the current limit on the size of the PLB fleet and views on the proposal to increase the passenger seating capacity of green mini buses, together with the safety issues relating to PLBs. The Panel discussion regarding the limit of the number of PLB fleet and safety issues was brief. However, the Panel members expressed concerns on the proposal to increase the seating capacity and the Administration's views in relation to that proposal. The Panel also noted from the submissions made by the transport trades to the Panel that there were divergent views over the limit of the number of PLBs and the passenger seating capacity. As the Administration had been requested to provide supplementary information regarding the operation of the PLB trade and the pressure faced by them to increase fares, etc, the Panel agreed that it would further consider the follow-up action to be taken after receipt of such information. As at 16 March 2011, no such information has been provided by the Administration yet.

6. Members may refer to the LegCo Brief issued by the Transport and Housing Bureau in March 2011 (File Ref: THB(T)L 3/2/5) for further information.

7. No difficulties in the legal or drafting aspects of the proposed resolution have been identified.

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