

立法會
Legislative Council

LC Paper No. LS41/16-17

**Paper for the House Committee Meeting
on 17 March 2017**

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

The Secretary for Transport and Housing ("STH") has given notice to move a motion at the Legislative Council ("LegCo") meeting of 29 March 2017. The purpose of the motion is to seek LegCo's approval to extend the effective period of the current limit on the number of registered public light buses ("PLBs") at 4 350 as stipulated in the Road Traffic (Public Light Buses: Limit on Number) Notice 2016 (Cap. 374X) for five years until 20 June 2022.

2. Under section 23(1) of the Road Traffic Ordinance (Cap. 374), the Chief Executive ("CE") in Council, by notice in the Gazette, may limit the number of vehicles in a particular class which may be registered. Pursuant to section 23(2) and (3) of Cap. 374, the limit so notified shall remain in force for such period not exceeding 12 months, but LegCo may from time to time by resolution extend the period.

3. The total number of vehicles which may be registered as PLBs has been capped at 4 350 since 1976¹. The statutory limit was originally set out in the Public Light Buses (Limitation on Number) Notice (Cap. 374K) and the effective period has been extended from time to time through resolutions of LegCo. It was last extended in 2011 for a period of five years up to 20 June 2016. The effective period of the statutory limit, however, had not been further extended as the resolution proposed to be moved by STH in 2016 for its extension was not dealt with by the Council before its expiry on 20 June 2016. A fresh notice has since been made by CE in Council under section 23 of Cap. 374 to repeal Cap. 374K and impose the same statutory limit for 12 months from 21 June 2016 to 20 June 2017 (L.N. 101 of 2016 gazetted on 21 June 2016 and enacted as Cap.374X)². A subcommittee has been formed to study L.N. 101 of 2016 ("the Subcommittee").

¹ Please refer to G.N. 1065 of 1976 published in the Gazette on 21 May 1976.

² Members may refer to the LegCo Brief (File Ref. : THB(T) CR 19/5591/72) issued by the Transport and Housing Bureau on 21 June 2016 for further information on L.N. 101 of 2016.

4. According to the LegCo Brief (File Ref.: THB(T)CR 19/5591/72) issued by the Transport and Housing Bureau on 8 March 2017, the Transport Department consulted the public transport trade³ in mid-2015 on whether the existing limit on the number of PLBs should be maintained. The Administration also briefed the Panel on Transport ("the Panel") and the Transport Advisory Committee ("TAC") in November 2015 of the review outcome. The trade, the Panel and TAC supported maintaining the limit on the number of PLBs at 4 350.

5. As advised by the Clerk to the Subcommittee, members of the Subcommittee supported L.N. 101 of 2016 and noted that they would have the opportunity to review the appropriateness of the statutory limit on the number of PLBs as the Administration would seek LegCo's approval to further extend the effective period of the current limit by resolution during the 12-month effective period of the limit.

6. No difficulties have been identified in the legal and drafting aspects of the proposed resolution.

Prepared by

Rachel DAI
Assistant Legal Adviser
Legislative Council Secretariat
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LS/R/5/16-17

³ This includes various stakeholders of the PLB trade (all PLB registered owners, holders of PLB passenger service licences, green minibus associations and major red minibus associations) as well as operators of franchised buses, non-franchised buses and taxis.