

立法會
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**Paper for the House Committee Meeting
on 26 April 2013**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 April 2013**

Date of tabling in LegCo : 24 April 2013

Amendment to be made by : 22 May 2013 (or 19 June 2013 if extended by resolution)

PART I SCHEDULES OF PUBLIC BUS ROUTES

Public Bus Services Ordinance (Cap. 230)

Schedule of Routes (Citybus Limited) Order 2013 (L.N. 55)

Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2013 (L.N. 56)

Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2013 (L.N. 57)

Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2013 (L.N. 58)

Schedule of Routes (New World First Bus Services Limited) Order 2013 (L.N. 59)

The Orders in L.N. 55 to L.N. 59 are made by the Chief Executive in Council under section 5(1) of the Public Bus Services Ordinance (Cap. 230) (the Ordinance) to update the schedules of bus routes operated by four franchised bus companies.¹

2. Under section 5(1) of the Ordinance, the Chief Executive in Council may grant to the existing franchised public bus companies the right to operate public bus service on such routes as specified by order. Section 15(1)

¹ According to the LegCo Brief (File Ref: THB(T)L 2/4/115), the remaining franchised bus company, Long Win Bus Company Limited, has not made alteration to its routes or implemented new routes between 1 October 2011 and 30 November 2012, and hence, there is no need to make a new Schedule of Routes Order for it.

of the Ordinance provides that the Commissioner for Transport may, after consultation with the bus companies, require them to introduce new routes and make alterations to specified routes on a temporary basis. Such changes may take effect for a period up to 24 months unless they are specified in orders made by the Chief Executive in Council under section 5(1) before expiry of the relevant period. According to the LegCo Brief (File Ref: THB(T)L 2/4/115) issued by the Transport and Housing Bureau in April 2013, L.N. 55 to L.N. 59 were made to enable the service changes introduced under section 15(1) of the Ordinance between 1 October 2011 and 30 November 2012 to continue to take effect.

3. L.N. 55 repeals the Schedule of Routes (Citybus Limited) Order 2012 (L.N. 4 of 2012) and updates the schedule of bus routes operated by the Citybus Limited (other than for North Lantau and the airport at Chek Lap Kok). According to the LegCo Brief, Citybus Limited cancelled one route and made alterations to 28 routes in respect of its franchise for Hong Kong Island and cross-harbour bus services.

4. L.N. 56 repeals the Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012 (L.N. 5 of 2012) and updates the schedule of bus routes operated by the Citybus Limited for North Lantau and the airport at Chek Lap Kok. According to the LegCo Brief, Citybus Limited made alterations to six routes in respect of its franchise for North Lantau and Chek Lap Kok Airport bus services.

5. L.N. 57 repeals the Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012 (L.N. 6 of 2012) and updates the schedule of bus routes operated by the Kowloon Motor Bus Company (1933) Limited. According to the LegCo Brief, Kowloon Motor Bus Company (1933) Limited introduced one new route, cancelled one route and made alterations to 45 routes.

6. L.N. 58 repeals the Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012 (L.N. 8 of 2012) and updates the schedule of bus routes operated by the New Lantao Bus Company (1973) Limited. According to the LegCo Brief, New Lantao Bus Company (1973) Limited made alterations to two routes.

7. L.N. 59 repeals the Schedule of Routes (New World First Bus Services Limited) Order 2012 (L.N. 9 of 2012) and updates the schedule of bus routes operated by the New World First Bus Services Limited. According to the LegCo Brief, New World First Bus Services Limited made alterations to 16 routes.

8. According to the LegCo Brief, following the policy initiative announced in the Policy Address in January 2013, a new "area approach" for the rationalisation of bus services will be adopted. The entire district, instead of individual routes, will be used as the basis for reviewing and rationalising bus services to ensure more cost-effective use of resources. Under-utilised routes would be reduced or cancelled to spare resources for new or existing routes for the same district with keen demand to help win the community's acceptance. The area approach will first apply to North District later this year. Other regions/areas² will be covered in phases.

9. As stated in the LegCo Brief, the District Councils concerned were consulted on the major service changes before such changes were introduced, and some of their members proposed further enhancements to bus service, which the Transport Department considered appropriate.

10. As advised by the Clerk to the Panel on Transport, the Panel has not been consulted on these five Orders.

11. These five Orders come into operation on 1 August 2013.

PART II COMMENCEMENT NOTICES

Air Pollution Control Ordinance (Cap. 311)

Air Pollution Control (Amendment) Ordinance 1993 (Commencement) Notice 2013 (L.N. 60)

12. By L.N. 60, the Secretary for the Environment appoints 1 July 2013 as the day on which the part of section 33 of the Air Pollution Control (Amendment) Ordinance 1993 (13 of 1993) (Amendment Ordinance) (i.e. the part on "Paint Works"³) comes into operation.

13. One of the objects of the Amendment Ordinance was to include eight new processes as specified processes for the purposes of the principal Ordinance. All the provisions of the Amendment Ordinance have come into operation, other than the provision to include "Paint Works" as a specified process (i.e. the part of section 33).

² According to the LegCo Brief, "other regions/areas" refers to New Territories West, New Territories East (other parts of the region other than North District), Kowloon and Hong Kong Island.

³ Under item 31 of Schedule 1 to the Air Pollution Control (Amendment) Ordinance, "Paint Works" are described as "works in which the processing capacity exceeds 35 m³ (expressed as coating products) and in which coating products including paints, vanishes and lacquers are produced or manufactured".

14. On enquiry, the Administration explained that at present, there are no paint works in Hong Kong. However, for the sake of completeness, the Administration considers it appropriate to activate the specified process provision on the control of "Paint Works" to ensure any paint works, if any in the future, will have proper volatile organic compounds emission control.

15. As advised by the Clerk to the Panel on Environmental Affairs, the Panel has not been consulted on the commencement notice.

**Civil Aviation Ordinance (Cap. 448)
Air Transport (Licensing of Air Services) (Amendment) Regulation 2011
(Commencement) Notice (L.N. 61)**

16. By L.N. 61, the Secretary for Transport and Housing appoints 22 April 2013 as the day on which the Air Transport (Licensing of Air Services) (Amendment) Regulation 2011 (L.N. 158 of 2011) (Amendment Regulation) comes into operation.

17. The Amendment Regulation was gazetted on 18 November 2011 to amend the Air Transport (Licensing of Air Services) Regulation (Cap. 448 sub. leg. A). No subcommittee was formed to study the Amendment Regulation in detail.

18. The following matters were dealt with under the Amendment Regulation –

- (a) the Air Transport Licensing Authority (ALTA) is no longer required to consider whether any uneconomical overlapping of air services will be resulted before deciding to grant or renew a licence;
- (b) ALTA must pay regard to public interest, the development of air services and satisfy itself that the applicant is (and will continue to be) financially capable to operate the air services that it seeks to provide;
- (c) a licence holder must inform ALTA if it is likely to become unable to meet the financial obligations required;
- (d) licences granted are changed from specific-route-based to airline-based, and the structure of fees so chargeable is adjusted;

- (e) arrangements during the transitional period is provided for;
- (f) the existing penalties are raised to bring them up-to-date;
- (g) the Chief Executive is empowered to appoint persons to assist or advise ATLA in discharging its duties; and
- (h) any non-local airline may use a Hong Kong registered aircraft to provide scheduled air services to and from Hong Kong by holding a document equivalent to an Air Operator's Certificate and use the aircraft in accordance with an operating permit issued by the Civil Aviation Department.

19. According to the LegCo Brief (File Ref: THB(T)CR 8/951/68) issued by Transport and Housing Bureau and dated 16 November 2011, the Amendment Regulation will come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette. Members may refer to the LegCo Brief for further information.

20. As advised by the Clerk to the Panel on Economic Development, the Panel has not been consulted on the commencement notice.

Concluding Remarks

21. No difficulties relating to the legal or drafting aspects of the above items of subsidiary legislation have been identified.

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