

立法會 *Legislative Council*

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Bills Committee on Road Traffic (Amendment) Bill 2017

Background brief

Purpose

This paper provides background information on the Road Traffic (Amendment) Bill 2017 ("the Bill"). It also summarizes the major views and concerns expressed by Legislative Council ("LegCo") Members on increasing the seating capacity of public light buses ("PLBs").

Background

Role and operations of public light buses

2. Under the current public transport policy, railway is the backbone of the local public transport system complemented by other public transport services. PLBs provide feeder service to public transport interchanges, and serve areas where passenger demand is comparatively lower or the use of high-capacity transport modes is not suitable. With the opening of new railway lines in recent years, the role of railway in the public transport system will be further enhanced, while the Administration would coordinate other public transport services, including PLB service, to ensure their healthy development.

3. It is the Government's established policy to set a limit on the number of PLBs. The current cap is 4 350,¹ of which about 3 250 (approximately 75%) are green minibuses ("GMBs") whereas the rest are red minibuses ("RMBs").

¹ The Administration has given notice to move a motion pursuant to section 23(3) of the Road Traffic Ordinance (Cap. 374) to seek LegCo's approval of a resolution to extend the effective period of the current limit on the number of motor vehicles which can be registered as PLBs at 4 350 for further five years until 20 June 2022. A Subcommittee was formed to scrutinize the proposed resolution. The Subcommittee raised no objection to the resolution.

GMBs provide scheduled services with fixed routes, fares, vehicle allocation and timetable approved by the Transport Department ("TD"). In March 2017, there are around 520 GMB routes in operation across Hong Kong.² RMBs are not required to operate on fixed routes or timetable and are free to set their own fares. It has been the Administration's established policy to contain and when possible reduce the total number of RMBs, as well as containing their service area,³ and encouraging RMBs to convert to GMBs. According to the Administration, the average daily total PLB patronage is approximately 1.8 million passenger trips, which corresponds to a generally stable share of around 15% of the public transport market over the past five years.

Seating capacity of public light buses

4. The existing law provides that each PLB can carry up to 16 passengers.⁴ The maximum seating capacity of PLBs was last increased in 1988 by the Administration from 14 to the current 16 seats. According to the Administration, the GMB trade has from time to time indicated that its operating environment is becoming more difficult as the railway network expands. Since the start of 2014, the GMB trade has proposed to the Administration to increase the seating capacity of PLBs from 16 to 20-24. Key justifications for the proposal are as follows:

- (a) an increase in the seating capacity of PLBs can help meet passenger demand and reduce waiting time during peak hours;

² As an established practice of TD, these GMB routes are grouped under 160 route packages, having regard to such factors as the service area and patronage of the individual routes for operation by the same operator. This practice ensures that no routes with unsatisfactory investment returns but of social needs will be left without an operator.

³ Taking into account the road congestion problem in Hong Kong and the objective to encourage conversion of RMBs to GMBs, the Administration has imposed certain restrictions on RMB operations. RMBs can operate in their existing service area but are not allowed access to new towns or new housing developments. Besides, there are also restrictions on RMBs in using expressways.

⁴ Under the Road Traffic Ordinance (Cap. 374), "light buses" is defined as "a motor vehicle constructed or adapted for use solely for the carriage of a driver and not more than 16 passengers and their personal effects, but does not include an invalid carriage, motor cycle, motor tricycle, private car or taxi". In addition, the maximum passenger seating capacity of "light bus" specified under Schedule 3 of Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) is 16.

- (b) an increase in the seating capacity of PLBs can enable each vehicle to carry more passengers, thereby improving the financial position of the trade. This helps to facilitate the sustainable development of the trade and further enhancement of service quality; and
- (c) the pressure to increase fare can be alleviated if the financial viability of PLB service can be maintained.

5. Nevertheless, some RMB trade associations (particularly those representing frontline RMB drivers) have indicated that an increase in the seating capacity of all PLBs would lead to higher daily rental for RMBs as well as longer waiting time to fully load a vehicle. This might reduce service efficiency and its attractiveness to passengers. Moreover, some RMB trade representatives have suggested that the seating capacity should only be increased to 18, instead of 20-24.

Public Transport Strategy Study

6. The Administration has studied the proposal to increase the seating capacity of PLBs under the Role and Positioning Review of the Public Transport Strategy Study. According to the Administration, if the seating capacity of all PLBs increases from 16 to 20-24, it would represent an increase of 25% to 50% in passenger capacity. This would be equivalent to an addition of about 1 087 to 2 175 16-seat PLBs. Any increase in seating capacity would require legislative amendments.

7. In December 2016, the Administration consulted members of the Panel on Transport ("the Panel") on the outcome of the study and implementation details for increasing the seating capacity of PLBs.⁵ The Administration advised that the passenger demand for GMB services during peak periods and non-peak periods differs quite significantly whereas the service supply of most GMB routes during the peakiest one hour has almost reached saturation. To cater for the passenger demand during the peakiest one hour and to improve the operating environment of GMB operators, there is a genuine need to increase the carrying capacity of GMBs. Based on the result of the study, the Administration considers that:

⁵ Details are set out in the Administration's paper on "Increasing the Seating Capacity of Light Buses" (LC Paper No. CB(4)285/16-17(03)).

- (a) the carrying capacity of GMBs should be increased by increasing the seating capacity of PLBs including GMBs instead of the number of vehicles (i.e. the existing cap on the number of PLBs at 4 350 should be maintained);
- (b) the situation of inadequate GMB service, particularly during the peakiest one hour, can be significantly improved through increasing the seating capacity by no more than three seats. Hence, the Administration has proposed increasing the maximum seating capacity from 16 to 19 seats;
- (c) all GMBs should be allowed to increase seats, rather than only for those GMB routes where the service supply is insufficient;
- (d) the same maximum seating capacity (i.e. 19 seats) should also apply to RMBs; and
- (e) only the maximum seating capacity of PLBs is to be increased and PLB operators may decide on their own whether to increase the seating capacity of their vehicles and, if so, the exact number of seats to be added and the time of implementation.

8. Under the Road Traffic Ordinance (Cap. 374), the class of "light buses" includes both PLBs and private light buses. Like PLBs, there is a maximum seating capacity (i.e. currently 16 seats) for private light buses. According to the Administration, the supply of private light buses has increased from 2011 to 2015, with the annual average growth rate of school private light buses (commonly known as "nanny vans") of 12% being the highest, hence revealing the increasing demand for this type of transport service in recent years. Based on the analysis, the Administration also proposes increasing the maximum capacity of private light buses to 19 seats to align with that of PLBs.

Road Traffic (Amendment) Bill 2017

9. The Bill was published in the Gazette on 7 April 2017 and received its First Reading at the Council meeting of 26 April 2017. The Bill seeks to amend the Road Traffic Ordinance (Cap. 374) to:

- (a) increase the maximum seating capacity of light buses (i.e. both PLBs and private light buses) from 16 to 19 seats;

- (b) provide for transitional arrangement for existing public buses and private buses with seating capacities of 17 to 19 seats and remove obsolete transitional provisions added by the Road Traffic (Amendment) (No. 3) Ordinance 1988 (89 of 1988); and
- (c) make consequential amendments.

Major views and concerns of Members

10. Members of the Panel were consulted on increasing the seating capacity of light buses in the Fifth and Sixth LegCo. Council questions on the subject were also raised. Their major views and concerns are summarized in the ensuing paragraphs.

Number of seats to be increased

11. Members of the Panel generally supported increasing the seating capacity of light buses to meet passenger demand without increasing the traffic burden on roads. As regards the number of seats to be increased, an overwhelming majority of members suggested increasing to 20 seats ("20-seat Proposal") instead of 19 seats to accommodate more passengers in particular during peak hours and in rural areas with lower PLB service frequency. They pointed out that the 20-seat Proposal was technically feasible as a portion of light buses were manufactured to accommodate 20 seats but four seats had been removed to meet the legal requirements on seat and passage arrangements. At the Panel meeting of 16 December 2016, members passed two motions urging the Administration to adopt the 20-seat Proposal.

12. The Administration explained that when considering the appropriate maximum seating capacity of PLBs, it had taken into account a host of factors, including the supply and demand for PLBs and the need to maintain the delicate balance amongst various public transport services. The policy considerations would not be based on a particular type or model of vehicle. Further, the majority of existing PLBs were short-wheelbase PLBs and replacement of vehicles would be required to increase the seating capacity.

13. According to the Administration, given that the occupancy rates of PLBs during peak and non-peak hours differed significantly, an increase in seating capacity to 20 might lead to surplus supply of PLB service, especially for those routes with lower patronage. Further, the current proposal was to increase the maximum seating capacity of PLBs to 19 seats, but not to mandate all PLBs to adopt the same seating capacity. In respect of meeting passenger

demand during peak periods, the Administration indicated that apart from increasing the seating capacity of PLBs, there might be a need to increase the service frequency as well.

Impact on operating environment of the trade and income of public light bus drivers

14. Panel members were concerned about the shortage and ageing problem of PLB drivers. Some members considered that the proposed increase in seating capacity would increase the income of PLB operators. They indicated that they would support the proposal on condition that the remuneration of GMB drivers would be improved. However, some members had reservation as to whether the increase in seating capacity would improve the income of PLB operators.

15. In response to a question raised at the Council meeting of 24 February 2016 on means to ensure that GMB drivers would have a share of the economic gains generated by the increase in the seating capacity of PLBs, the Secretary for Transport and Housing advised that while increasing the seating capacity might increase the farebox revenue, the operating costs would also be on the rise. It would require an in-depth study on whether the increase in seating capacity could help improve the overall operating environment of the PLB trade and bring positive impact on recruitment and retention of drivers.

16. Expressing concern over the operation difficulties of the PLB trade, members urged the Administration to consider implementing immediate supportive measures. Some of the suggestions included introducing new GMB routes in new districts where there was a keen demand for public transport services; relaxing restricted or prohibited zones in busy districts to allow PLBs to pick up and drop off passengers; gauging the views of the trade when considering the rationalization of GMB routes; enhancing the financial viability of those loss-making routes; and allocating bus routes with lower patronage for operation by PLBs.

Enhancing passenger safety and service quality

17. At the Panel meeting on 16 December 2016, members noted that there was a rising trend in the number of traffic casualties involving PLBs in recent years, which was suspected to be related to passengers not wearing seat belts. However, it was difficult for drivers to ascertain if every passenger had worn the seat belt. In this regard, members passed a motion urging the Administration to, while implementing the adjustment in the maximum seating capacity of PLBs, require that all newly registered GMBs should be equipped with seat belt

sensors, which would make a sound signal when a passenger was not wearing the seat belt.

18. In response, the Administration explained that the proposal to install seat belt sensors would require modification of the existing vehicle design and changes to the terms and conditions of vehicle maintenance. TD would follow up with vehicle suppliers and the trade to explore the feasibility of installing the sensors on PLBs, having regard to the implications for the daily operation and the financial position of the operators. Further, according to the Administration, once the proposal to add seats to PLB was written into the law, the PLB trade would expedite the replacement of these vehicles with new ones that would have seat belts installed.⁶ With the introduction of more PLBs with seat belts, it should be easier for passengers to get used to the habit of wearing seat belts.

19. Some Panel members enquired about the provision of barrier-free access ("BFA") facilities at PLBs, such as the trial runs of introducing new low-floor wheelchair-accessible PLB models in the second half of 2017 for some suitable hospital routes. There was a further suggestion that the Administration should consider providing subsidies for PLB operators to adopt low-floor PLBs and install BFA facilities. Members noted that if the proposal to increase the seating capacity of light buses was passed, TD would include the requirements of installing a half-step at the middle door, as well as handrails and call bells with indication lights in the Passenger Service Licence, which would be applied to both RMBs and GMBs.

20. Besides, the Administration was urged to liaise with PLB operators on installing electronic instant display panels at PLB stands and termini to facilitate better time management by passengers and management of PLB fleet by PLB operators.

Policy on public light bus service

21. Some Panel members considered that the existing transport policy on PLB service was outdated and inadequate for the sustainable development of the trade. Even though there was an emerging demand for PLB service arising from the development of new towns, the role of PLBs as providing supplementary feeder service had not changed over the years. They opined that the Administration did not have any long-term planning on how to maximize the

⁶ According to the information provided by the Administration, of the 4 350 PLBs currently in the market, around 1 350 vehicles do not have seat belts since they were registered before 1 August 2004, the date after which all newly registered PLB vehicles should be installed with passenger seat belts under the law.

supplementary role and functions of PLBs against the expanding railway network. Therefore, they called on the Administration to conduct a comprehensive review of the policy.

Latest development

22. At the House Committee meeting on 28 April 2017, Members agreed to form a Bills Committee to study the Bill.

Relevant papers

23. A list of relevant papers is in **Appendix**.

Council Business Division 4
Legislative Council Secretariat
18 May 2017

Bills Committee on Road Traffic (Amendment) Bill 2017

List of relevant papers

Date of meeting	Panel/Committee	Minutes/Paper	LC Paper No.
17.12.2014	Council meeting	Hon Michael TIEN Puk-sun raised a question on the operation of public light buses	http://www.info.gov.hk/gia/general/201412/17/P201412170436.htm
25.11.2014 & 5.5.2015	Panel on Transport ("TP")	Administration's paper on the Public Transport Strategy Study – work plan	CB(1)238/14-15(06) http://www.legco.gov.hk/yr14-15/english/panels/tp/papers/tp20141125cb1-238-6-e.pdf
		Minutes of meetings	CB(4)437/14-15 http://www.legco.gov.hk/yr14-15/english/panels/tp/minutes/tp20141125.pdf CB(4)209/15-16 http://www.legco.gov.hk/yr14-15/english/panels/tp/minutes/tp20150505.pdf
16.1.2015	TP	Administration's paper on transport-related policy initiatives of the Transport and Housing Bureau under the 2015 Policy Agenda	CB(4)349/14-15(04) http://www.legco.gov.hk/yr14-15/english/panels/tp/papers/tp20150116cb4-349-4-e.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
12.5.2015	TP	Administration's paper on Public Transport Strategy Study – seating capacity of public light buses	CB(4)922/14-15(06) http://www.legco.gov.hk/yr14-15/english/panels/tp/papers/tp20150512cb4-922-6-e.pdf
		Minutes of meeting	CB(4)85/15-16 http://www.legco.gov.hk/yr14-15/english/panels/tp/minutes/tp20150512.pdf
6.11.2015	TP	Administration's paper on Public Transport Strategy Study Topical Study – statutory cap on the number of public light buses	CB(4)119/15-16(06) http://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tp20151106cb4-119-6-e.pdf
		Administration's follow-up paper	CB(4)267/15-16(01) http://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tp20151106cb4-267-1-e.pdf
		Minutes of meeting	CB(4)513/15-16 http://www.legco.gov.hk/yr15-16/english/panels/tp/minutes/tp20151106.pdf
24.2.2016	Council meeting	Hon TANG Ka-piu raised a question on green minibus drivers	http://www.info.gov.hk/gia/general/201602/24/P201602240432.htm

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
21.6.2016	TP	Administration's paper on Public Transport Strategy Study – Role and Positioning Review on premium taxis and increasing the seating capacity of public light buses	CB(4)1124/15-16(01) http://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tp20160621cb4-1124-1-e.pdf
		Minutes of meeting	CB(4)1315/15-16 http://www.legco.gov.hk/yr15-16/english/panels/tp/minutes/tp20160621.pdf
29.6.2016	Council meeting	Hon Frankie YICK Chi-ming raised a question on manpower in transport industry	http://www.info.gov.hk/gia/general/201606/29/P201606290525.htm
1.11.2016	Subcommittee on Road Traffic (Public Light Buses: Limit on Number) Notice 2016	Legislative Council Brief on Road Traffic (Public Light Buses: Limit on Number) Notice 2016	THB(T)CR19/5591/72 http://library.legco.gov.hk:1080/articles/1189574.281673/1.PDF
		Legal Service Division Report	LS1/16-17 http://www.legco.gov.hk/yr16-17/english/hc/papers/hc20161014ls-1-e.pdf
		Report of the Subcommittee on Road Traffic (Public Light Buses: Limit on Number) Notice 2016	CB(4)163/16-17 http://www.legco.gov.hk/yr16-17/english/hc/papers/hc20161125cb4-163-e.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
		Minutes of meeting	CB(4)356/16-17 http://www.legco.gov.hk/yr16-17/english/hc/subleg/sc101/minutes/sc10120161101.pdf
16.12.2016	TP	Administration's paper on increasing the seating capacity of light buses	CB(4)285/16-17(03) http://www.legco.gov.hk/yr16-17/english/panels/tp/papers/tp20161216cb4-285-3-e.pdf
		Administration's follow-up paper	CB(4)677/16-17(01) http://www.legco.gov.hk/yr16-17/english/panels/tp/papers/tp20161216cb4-677-1-e.pdf
		Minutes of meeting	CB(4)513/16-17 http://www.legco.gov.hk/yr16-17/english/panels/tp/minutes/tp20161216.pdf
28.3.2017	Subcommittee on Proposed Resolution under Section 23(3) of the Road Traffic Ordinance (Cap. 374)	Legislative Council Brief on Road Traffic (Public Light Buses: Limit on Number) Notice 2016 – extension of the effective period of the existing cap on the number of public light buses	THB(T)CR 19/5591/72 http://www.legco.gov.hk/yr16-17/english/subleg/brief/sc108_brf.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
		Legal Service Division Report	LS41/16-17 http://www.legco.gov.hk/yr16-17/english/hc/papers/hc20170317ls-41-e.pdf
		Report of Subcommittee on Proposed Resolution under Section 23(3) of the Road Traffic Ordinance (Cap. 374)	CB(4)798/16-17 http://www.legco.gov.hk/yr16-17/english/hc/papers/hc20170407cb4-798-e.pdf

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