

Bills Committee on Road Traffic (Amendment) Bill 2017
Government's response to potential CSAs

At the meeting on 2 June 2017, a Member requested and the Chairman agreed that the Government should provide written advice on whether CSAs, as and when put forward, to the Road Traffic (Amendment) Bill 2017 (“the Bill”) regarding (i) increasing the maximum seating capacity of light buses to “20”; and (ii) stipulating a certain proportion of passenger seats of public light buses (“PLBs”) to be wheelchair-accessible is outside the scope of the Bill. We set out below the Government's views for the information of the Bills Committee.

2. As set out in paragraphs 11 and 12 of the LegCo brief and explained at the Bills Committee's meeting, when deciding on the appropriate maximum seating capacity of PLBs, the Government's main considerations are the supply and demand for PLBs and the need to maintain the delicate balance amongst various public transport services. Increasing the number of seats to 19 should suffice to significantly improve the service level of green minibuses (“GMBs”) during the peakiest one hour (i.e. reducing the number of left-behind passengers at termini and the waiting time of passengers, whilst improving the operating environment of GMB operators). The incremental improvements will diminish noticeably beyond 19 seats¹. Further, given the keen competition in the well-developed public transport services in Hong Kong, the impact of any increase in the number of seats in PLBs on other public transport trades must be carefully considered. The Government is conscious of the need to maintain the delicate balance and roles amongst various public transport services so that they can continue to develop in a sustainable manner and provide diversified modal choices to the community. All factors considered, the Government takes the views that it is appropriate to increase the maximum seating capacity of PLBs to 19.

3. The Government is working to improve the accessibility of PLB services. New low-floor wheelchair-accessible models will be introduced for trial at three hospital routes². The trial scheme is expected to commence in the second half of 2017. When the operators formally apply to the TD for vehicle examination and

¹ As compared with each seat increased from 16 to 19 seats, which could reduce the ratio of GMB routes with left-behind passengers by an average of 11 percentage points, each seat increased beyond 19 seats would only reduce such ratio by 2 to 3 percentage points. This has also been set out in footnote 7 of the LegCo brief.

² The three proposed trial routes include those GMB routes operating via Queen Mary Hospital, Prince of Wales Hospital and St. Teresa's Hospital.

type approval for the new low-floor PLB models, the Commissioner for Transport will consider exercising her statutory discretionary power to allow vehicle length to exceed the current statutory length limit of 7 metres and weight limit of 5.5 tonnes, so as to facilitate the trial run in Hong Kong. From an operational perspective, to provide space for one wheelchair seat on PLBs, three ordinary passenger seats will have to be taken away in order to meet existing statutory requirements on seating and gangway arrangement of PLBs. If we were to take forward the suggestion to increase the maximum seating capacity of PLBs to 19 with at least one or more passenger seats to be wheelchair-accessible, PLB models with a vehicle length exceeding the current statutory limit of 7 metres must be used, while the gross weight of the vehicle may be increased as well. This would require additional legislative amendments to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A), which is not the purpose of the Bill, and goes beyond the scope of the Bill.

4. We have the benefit of the analysis given by the LegCo legal advisor at the two Bills Committee meetings, held on 19 May 2017 and 2 June 2017, that as set out in the long title and elaborated in the explanatory memorandum of the Bill, the subject matters of the Bill are solely to increase the maximum seating capacity of light buses from 16 to 19, to make consequential amendments, and to remove obsolete transitional provisions added by the Road Traffic (Amendment)(No.3) Ordinance 1988. Hence, with the specification of the exact number to which the maximum seating capacity of light buses is to be increased as “19”, which accurately reflects the Government’s recommendation in the LegCo brief for the Bill, any CSA not in line with such may be considered out of scope. As such, both potential CSAs (i) and (ii) may be ruled out of scope under Rule 57(4)(a) of the Rules of Procedure of the LegCo, subject to LegCo President’s ruling.

5. On the legal issues arising, the Government takes the view that in the light of the considerations identified by the LegCo legal advisor at the two Bills Committee meetings to which no counter-arguments were articulated, the potential CSAs (i) and (ii) may be ruled by the LegCo President as falling outside the scope of the Bill.