

立法會
Legislative Council

LC Paper No. LS55/16-17

**Paper for the House Committee Meeting
on 28 April 2017**

**Legal Service Division Report on
Road Traffic (Amendment) Bill 2017**

I. SUMMARY

- 1. The Bill** The Bill mainly seeks to amend the Road Traffic Ordinance (Cap. 374) to increase the maximum passenger seating capacity of light buses from 16 to 19.

- 2. Public Consultation** According to the LegCo Brief, the Administration consulted the public light bus trade at the trade conferences held in December 2016. The public light bus trade considered the proposed seating capacity increase to 19 acceptable. The Administration also consulted other public transport trades such as the franchised buses and taxis. They expressed their worries that the substantial seating capacity increase of the public light buses would affect the current delicate trade balance and confuse the existing roles of different service modes in the public transport system.

- 3. Consultation with LegCo Panel** According to the Clerk to the Panel on Transport, the Panel was consulted at its meeting on 21 June and 16 December 2016 on the proposed amendments to Cap. 374. Members generally supported the legislative proposal, whilst an overwhelming majority of members suggested that the maximum passenger seating capacity of light buses should be increased to 20 instead of 19.

- 4. Conclusion** No difficulties have been identified in the legal and drafting aspects of the Bill. Members may wish to consider whether a Bills Committee should be set up to study the policy aspects of the Bill.

II. REPORT

The date of First Reading of the Bill is 26 April 2017. Members may refer to the LegCo Brief (File Ref.: THB(T)CR 1/1136/2015) issued by the Transport and Housing Bureau on 28 March 2017 for further details.

Object of the Bill

2. The Bill seeks to amend the Road Traffic Ordinance (Cap. 374) to increase the maximum passenger seating capacity of light buses from 16 to 19, and to make related and consequential amendments to Cap. 374 and other legislation.

Background

3. According to the LegCo Brief, in view of the unmet passenger demand for public light bus¹ ("PLB") services at peak periods and the views of the PLB trade that the operating environment is becoming more difficult, the Administration conducted a study on the feasibility and desirability of increasing the maximum passenger seating capacity of PLBs (paragraphs 3 and 4). As a result of the study, the Administration proposes to increase the maximum passenger seating capacity of PLBs from 16 to 19 (paragraphs 10 and 11). The Administration considers that the maximum passenger seating capacity of the private light buses² should continue to align with that of PLBs (paragraph 17).

Provisions of the Bill

Amendments to definitions of "light bus" and "bus"

4. Currently, "light bus" is defined under section 2 of Cap. 374 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, while "bus"

¹ "Public light bus" is defined under section 2 of Cap. 374 as a light bus, other than any private light bus, which is used or intended for use for hire or reward.

² "Private light bus" is defined under section 2 of Cap. 374 as (a) a school private light bus; or (b) a light bus (other than a school private light bus) used or intended for use (i) otherwise than for hire or reward; or (ii) exclusively for the carriage of persons who are disabled persons and persons assisting them, whether or not for hire or reward.

is defined as a motor vehicle constructed or adapted for the carriage of more than 16 passengers and their personal effects.

5. Clause 3 proposes to amend the definitions of "light bus" to increase the maximum passenger seating capacity from 16 to 19. The definition of "bus" is proposed to be amended accordingly so that vehicles with passenger seating capacity exceeding 19 will be classified as buses.

Transitional and consequential provisions

6. Clause 5 proposes to add a new section 113C to Cap. 374 as the transitional provision to the effect that a motor vehicle with a maximum passenger seating capacity of 17, 18 or 19 and registered as a private or public bus immediately before the commencement of the Bill will retain its existing registration, unless its owner applies for its re-registration as a vehicle within another class.

7. Part 3 proposes to introduce related and consequential amendments to other legislation including the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330), the Road Tunnels (Government) Regulations (Cap. 368A) and the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A).

Repeal of obsolete provisions

8. The Bill also proposes to repeal certain obsolete provisions in Cap. 374, Cap. 330 and Cap. 368A which are transitional provisions arising from the increase of maximum seating capacity for light buses in 1988.

Commencement

9. The Bill, if passed, would come into operation on the day on which the enacted Ordinance is published in the Gazette.

Public Consultation

10. According to paragraph 26 of the LegCo Brief, the Administration consulted the PLB trade at the trade conferences held in December 2016. The PLB trade considered the proposed seating capacity increase to 19 acceptable. The Administration also consulted other public transport trades such as the franchised buses and taxis. They expressed their worries that the substantial

seating capacity increase of PLBs would affect the current delicate trade balance and confuse the existing roles of different service modes in the public transport system.

Consultation with LegCo Panel

11. According to the Clerk to the Panel on Transport, the Panel was consulted at its meeting on 21 June and 16 December 2016 on the proposed amendments to Cap. 374. Members generally supported the legislative proposal, whilst an overwhelming majority of members suggested that the maximum passenger seating capacity of light buses should be increased to 20 instead of 19. Four motions were passed at the Panel meeting on 16 December 2016, requesting the Administration to, inter alia, increase the statutory maximum passenger seating capacity of light buses to 20 seats.

Conclusion

12. No difficulties have been identified in the legal and drafting aspects of the Bill. In light of the views of members of the Transport Panel, Members may wish to consider whether a Bills Committee should be set up to study the policy aspects of the Bill.

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