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21 June 2018

Secretary General
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Lemuel WOO)

[Fax No.: 2840 0269]

Dear Mr Woo,

**Legislative Council Panel on Transport
Residents' service and franchised bus service**

Thank you for your letter of 10 and 16 May 2018, enclosing the views from Mr Lee Yuet-man, Yuen Long District Council member on residents' service, as well as Mr Chan Man-wah and Mr Mo Shing-fung, Tuen Mun District Council members on franchised bus service. Our reply is as follows –

Residents' Service

Residents' service ("RS") is one type of non-franchised bus ("NFB") services, which plays a supplementary role in the public transport system, relieving passenger demand for franchised bus and green minibus services during the peak hours, and serving districts which franchised bus and green minibus services are not operationally viable. RS mainly serves residents of individual housing developments, subject to the agreement between resident groups and service operators. RS operates in accordance with the schedule of service and passenger service licence ("PSL") conditions approved by the Transport Department ("TD"), including deploying designated NFBs.

Operators must comply with the schedule of service (including routings, stopping points, service hours and frequencies, etc.) approved by the TD in providing services. The TD has been monitoring the operation of RS, including arranging regular and ad hoc inspections. If operators' malpractices are found, the TD will request the operator concerned to provide explanation and immediately cease the unauthorized service concerned. If malpractices persist, the TD will issue warning or initiate the inquiry procedures depending on the circumstances. Meanwhile, the TD holds regular conferences with the NFB trade, so as to understand the operating conditions of the trade and provide timely assistance as appropriate to help solving the operational difficulties encountered.

Vehicle Deployment and Frequency Adjustment Arrangement

Regarding the suggestion of allowing RS to operate temporary additional trips under the arrangement of notification before approval, and allowing vehicles of subsidiaries under the same parent company to be flexibly deployed, we consider that it will make RS difficult to be managed, and increase the risks of illegal services. The TD has currently allowed RS operators to apply to the TD for adding spare vehicles for their routes, in order to facilitate vehicle deployment under emergency situations. Nevertheless, having regard to the feedback from the NFB trade, in order to enhance the operators' flexibility in vehicle deployment and to avoid the operators from contravening the relevant requirement due to mistaken deployment of vehicles, the TD is now considering relaxing the ratio of spare vehicle for RS and is maintaining close communication with the trade on the matter. As regards the frequency adjustment of RS, the operators shall make applications to the TD, and the TD will carefully consider relevant factors, including passenger demand, existing service level and traffic situation, etc., in accordance with established procedures.

Inquiry and Trial Arrangement

At present, if RS operators contravene PSL conditions or terms of the schedule of service, the Commissioner for Transport ("Commissioner") may, under the Road Traffic Ordinance ("Ordinance"), initiate an inquiry against the PSL holder concerned and appoint a public officer to hold such inquiry. If the inquiry substantiates that the licence holder has contravened relevant legislation or licensing conditions, the Commissioner may penalise the licence holder concerned in accordance with the Ordinance upon consideration of the report by the inquiry officer. Regarding the suggestion for engaging passengers and elected District Council members in the inquiry process, the TD has consulted the Department of Justice for advice. As the

purpose of the inquiry is to allow the public officer holding the inquiry to consider representations made and evidence provided by the licence holder for submitting a report to the Commissioner, and the representations and evidence concerned may involve sensitive personal or commercial information, it will be more appropriate to maintain the existing arrangement.

If the licence holder disagrees with the Commissioner's decision, he may apply in writing for a review of the Commissioner's decision by a Transport Tribunal. The Transport Tribunal is an independent statutory body, comprising members of the public. All members are non-official personnel, including legal professionals, District Council members and other professionals. Each Tribunal shall consist of a chairman and two members who are non-public officers. Every member, before hearing representations from the applicants, shall declare that he or she does not have any interests with the applicants. Therefore, the existing arrangement has been effective in maintaining the independence of the Transport Tribunal and the principle of fair adjudication.

Public Transport Services for Heung Yuen Wai Control Point and Residents' Service for Kingswood Villa

To facilitate residents travelling to and from Heung Yuen Wai Control Point, the TD has planned to introduce three franchised bus routes and one green minibus route, while NFBs and taxis can also provide services at the Control Point. Regarding NFBs, having regard to its service nature, the TD will allow NFBs for providing tour service, hotel service and contract hire service to operate at the Control Point Public Transport Interchange, so as to facilitate group tourists. As Route NR902 belongs to RS, it will not be extended to Heung Yuen Wai Control Point.

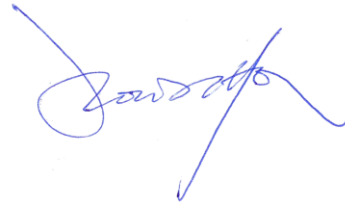
As regards RS routes for Kingswood Villa, the TD will continue to carefully process any applications for service cessation in accordance with established procedures, so as to ensure that adequate public transport services will be available to residents of the districts concerned for travelling to different districts. The TD will continue to closely monitor the passenger demand for the aforementioned public transport services, and strengthen the services when necessary in order to cope with the passenger demand.

Franchised Bus Services

With regards to enhancing the proposed KMB Route No. P960, the TD noted that the Tuen Mun District Council has various views on the

proposed route, and is now negotiating with KMB on the routing details of the proposal. The TD will continue to maintain close communication with the District Council, with a view to finalising the proposal for KMB Route No. P960 as soon as possible, and putting into service in the first quarter of 2019 as planned.

Yours sincerely,



(Dominic Ho)

for Secretary for Transport and Housing

c.c. Assistant Secretary for Transport and Housing (Transport) 6B
Commissioner for Transport (Attn.: Mr Lee Man-ho)
(Attn.: Mr Haiko Yu)
(Attn.: Mr Daniel Hue)
(Attn.: Ms Cecilia Lai)