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Panel on Transport Meeting on 15 February 2019

Background brief on fare increase applications by Kowloon Motor Bus Company (1933) Limited and Long Win Bus Company Limited

Purpose

This paper provides updated background information on the fare adjustment arrangement ("FAA") for franchised buses and summarizes the discussions of members of the Panel on Transport ("the Panel") on FAA and previous fare increase applications from Kowloon Motor Bus Company (1933) Limited ("KMB") and Long Win Bus Company Limited ("LWB").

Background Information

2. KMB and LWB last increased their fares by an average rate of 3.9% and 3.2% in 2014 and 2011 respectively.

Fare Adjustment Arrangement for franchised buses

- 3. Under Section 13(1) of the Public Bus Services Ordinance (Cap. 230) ("PBSO"), fares of franchised bus services are to be charged according to a scale of bus fares determined by the Chief Executive-in-Council ("CE-in-Council"). The Administration would take into account a basket of factors known as the Modified Basket of Factors approach in assessing bus fare adjustment for the purpose of making recommendations to CE-in-Council.
- 4. Under the current FAA for franchised buses, the Administration should take into account the following factors in assessing a bus fare increase application
 - (a) changes in operating costs and revenue since the last fare adjustment;

- (b) forecasts of future costs, revenue and return;
- (c) the need to provide the operator with a reasonable rate of return. The Administration would make reference to the Weighted Average Cost of Capital of the bus industry in considering the reasonable rate of return;
- (d) public acceptability and affordability the Administration will make reference to changes in Median Monthly Household Income and Composite Consumer Price Index ("CCPI");
- (e) the quality and quantity of service provided; and
- (f) a formula for a supportable fare adjustment rate = (0.5 x Change in Nominal Wage Index for the Transportation Section + 0.5 x Change in CCPI 0.5 x Productivity Gain¹) the formula does not operate as an automatic determinant of the fare adjustment outcome. The Administration uses the outcome of the formula as a reference indicator in considering whether the fare adjustment rate is supportable and justifiable at a given juncture.
- 5. In assessing the financial performance of bus operators, the Administration has to ensure that bus operators have sound financial capability in providing efficient and quality public bus services. Under FAA, the Administration does not set any guaranteed minimum level nor ceiling of the rate of return for the bus operators. The Administration will make reference to the above factors, as well as views of Panel members and the Transport Advisory Committee before submitting its recommendations to CE-in-Council, who retains the ultimate power in determining the scale of bus fares in accordance with PBSO.

Review of fare adjustment arrangement for franchised buses

6. The Administration commenced a review on FAA under the Public Transport Strategy Study ("PTSS") in 2014 to explore whether there was room for improvement in the operation of the above-mentioned six factors. The report of the PTSS was released in June 2017.² The initial findings of the study indicated that FAA should be kept intact, while the Productivity Gain

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Under the FAA, productivity is computed from the ratio of the total of fare and non-fare box receipts to the total operating cost over a period of ten years. As the productivity gain in the formula was calculated to be a negative value and as approved by CE-in-Council in 2009, the value was set at zero until the next review.

² See LC Paper No. CB(4)1176/16-17(03).

value used in the supportable fare adjustment rate formula might revert from a negative value computed in the last review to a positive value,³ and the triggering threshold for the passenger reward arrangement of 9.7% might be adjusted downwards slightly.⁴ The Administration aimed to implement the updated FAA as soon as practicable subject to the approval by CE-in-Council.

Waiving the toll of Government tunnels and roads on franchised buses

- 7. In the 2018 Policy Agenda, the Administration set out a new initiative to waive the toll of Government tunnels and roads charged on franchised buses to relieve fare increase pressure. Each franchised bus operator should set up a dedicated fund account, known as the "Franchised Bus Toll Exemption Fund" for keeping the toll saving. When the franchised bus operator applies for fare increase, the magnitude of fare increase would be suitably reduced through the application of the Fund. A cap would be set for the Fund such that when the amount of the Fund reaches the cap and the franchised bus operator is still financially healthy without the need to apply for fare increase, the concerned franchised bus operator would need to use the toll saving exceeding the cap to provide passengers with fare concession.⁵
- 8. Regarding the two tunnels that are operating under the "Build-Operate-Transfer" model (i.e. West Harbour Crossing ("WHC") and Tai Lam Tunnel), the Administration proposed to pay the toll on behalf of the franchised bus operators and they would need to set aside such toll saving in their dedicated fund accounts to relieve fare increase pressure.⁶

The consultant of the review recommended updating the value of productivity gain with reference to the information on the operation of franchised bus companies and statistics. The initial data hinted that the value of productivity gain might revert from a negative value computed in the last review to a positive value. This would help moderating the formula outcome on the supportable rate of adjustment as and when franchised bus companies apply for fare increase in future.

The profit achieved by a franchised bus operator in excess of the 9.7% rate of return on average net fixed assets for an operator shall be shared equally between the operator and passengers. The current rate of 9.7% was set in 2009 based on an analysis of past performance and forward-looking projection made with reference to the economic and investment environment at that time. The consultant recommended that the triggering threshold of 9.7% should be adjusted downwards slightly having regard to the latest changes in the overall economic situation and investment environment.

The waiving of the toll of Government tunnels and roads would involve amendments to subsidiary legislation. The Administration gazetted three Regulations to exempt the toll for franchised buses using Government tunnels as well as the Tsing Ma and Tsing Sha Control Areas on 30 November 2018 and tabled them before the Legislative Council on 5 December 2018 for negative vetting. The three Regulations will come into operation on 17 February 2019.

The Administration proposed to put into effect the arrangement on WHC on 1 January 2020 together with the proposal on rationalization of traffic distribution among the three harbour-crossing tunnels.

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Discussions of the Panel members

Review on fare adjustment arrangement conducted under Public Transport Strategy Study

9. When PTSS was discussed at the Panel meeting held on 16 June 2017, a member asked if the Administration would align the calculation of fare adjustment under FAA for franchised buses with the Fare Adjustment Mechanism ("FAM") of MTR Corporation Limited to appropriately reflect the factors of profitability of the bus operators and public affordability. The Administration explained that FAA and FAM were different mechanisms. While the formula under FAM was a direct-drive formula, the outcome of the supportable fare adjustment rate formula under FAA would not serve as the automatic determinant of the rate of bus fare adjustment. The rate would be determined by the CE-in-Council having regard to a basket of factors.

Waiving the toll of Government tunnels and roads on franchised buses

- 10. When the Administration briefed the Panel on the proposed waiving of the toll of Government tunnels and roads on franchised buses at the meetings on 19 October and 16 November 2018, members in general welcomed the Administration's toll-waiving initiative, and urged the Administration to cover more types of vehicles such as non-franchised buses and mini-buses. Some members, however, expressed concern over Government payment for the toll of franchised buses using WHC without subjecting to a cap, and opined that the toll-waiving initiative at WHC, if so implemented, should be handled separately instead of bundling it together with the proposal to be considered by the Legislative Council on rationalization of traffic distribution among the three harbour-crossing tunnels and WHC Toll Compensation Scheme.
- 11. The Administration explained that the number of franchised bus routes using WHC as well as their service frequencies were determined by the Government based on transport needs and on this basis, Government payment on toll-waiving at WHC would not be subjected to a cap. The proposed waiving of toll payment by franchised bus aimed to encourage more efficient use of road space by mass carriers, and in the long term, the Administration would conduct a study to map out the appropriate level of the toll for different types of vehicles using government-tolled tunnels and roads under the concept of "congestion charging" and "efficiency first".

Fare increase applications from KMB in 2013

- 12. KMB last applied for an average fare increase rate of 4.3% on 29 November 2013. The Panel discussed KMB's application at the meeting held on 11 April 2014. Members in general did not support KMB's fare increase application, and in their opinion, the proposed increase was higher than the outcome of the formula for a supportable fare adjustment rate under FAA (paragraph 4(f) above refers). Some members opined that FAA should be reviewed or even repealed as it only allowed bus fares to go up. In addition, the formula made reference to changes in the Nominal Wage Index instead of the Real Wage Index for the Transportation Section in calculating the supportable fare adjustment rate, and this could not truly reflect public affordability.
- 13. The Administration explained that bus operation was capital intensive and it was important to maintain bus operators' financial viability. The Administration would carry out its gate-keeping duties in assessing fare increase applications by taking into account a number of factors, including change in CCPI, KMB's revenue and costs as well as bus service performance.
- 14. Some members were of the view that in order to improve the operating environment of KMB, the Administration should review its policy of using railways as the backbone of Hong Kong's transport system, and examine the roles of different public transport modes in Hong Kong. There were also views that KMB should strengthen its bus route rationalization plan to improve operational efficiency of bus service and relieve fare increase pressure. Besides, more bus-bus interchange concessionary schemes should be offered to passengers.
- 15. The Administration responded that it would embark on a review on the long-term public transport planning and development to review the roles of public transport modes and future public transport strategy in due course. As regards bus route rationalization, apart from cancelling or amalgamating under-utilized bus routes, new routes would be introduced to meet new demand so that resources could be more optimally utilized.
- 16. Some members were dissatisfied that KMB's parent company had separated the financial accounts of those profit-making items, such as property developments, cross-boundary bus services and revenue from advertisements from KMB's account. The Administration replied that the former bus depot site of KMB was acquired by KMB a long time ago from the open market with shareholders' funds without any subsidy from the Government. These sites and their sale proceeds were private properties of KMB. Furthermore, the

franchise stipulated that capital gain or losses deriving or arising from or connecting with the disposal of land were excluded from the revenue or expenditure of KMB's franchise account. As regards advertising income, they were included in its franchise account in full to finance bus operation.

- 17. On 10 June 2014, the CE-in-Council approved an overall average fare increase rate of 3.9%, which took effect on 6 July 2014.
- 18. In March 2017, the Administration approved the granting of a new 10-year franchise to KMB to continue operating its bus network for the period from 1 July 2017 to 1 July 2027.

Fare increase application from LWB in 2010

- 19. LWB last applied for a fare increase rate of 7.4% on 30 July 2010. The Panel discussed LWB's fare increase application at the meeting held on 26 November 2010. Members also indicated strong opposition to the proposed increase, which was more than three times higher than the prevailing CCPI inflation of 2.3%. They opined that if the application was approved, it would lead to a spate of increase in the charges of public utilities and the fares of other public transport services. Noting that the surging fuel cost was one of the main composition of the operating cost of bus companies, members opined that the Administration should consider ways to mitigate fuel cost increase, such as setting up fuel hedging.
- 20. The Administration explained that fuel cost featured a significantly higher proportion in the operating cost of bus operators. In accordance with FAA, fuel price had not been included as the reference indicator in the adjustment because passengers would otherwise have to bear frequent, unforeseeable and drastic fare adjustments due to short-term changes in fuel cost. Bus companies should themselves adopt a long-term approach in handling this business risk factor.
- 21. Noting the great difference between the rate of increase worked out through FAA formula and the fare increase rate proposed by the two bus companies, some members urged the Administration to provide sufficient and essential financial figures in the Administration's paper to facilitate members' consideration of the fare increase applications, and to give due regard to the outcome of the relevant formula when making recommendations to CE-in-Council. The Panel subsequently passed the following motion:

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⁷ The fare increase application from KMB was also discussed at the same meeting.

(Translation)

"That this Panel opposes the applications for substantial fare increase made by KMB and LW, and urges the Government to, when vetting the fare increase applications by the bus companies, take into account the extremely unfair factor that the rates of increases applied for are more than three times the inflation rate."

22. On 19 April 2011, the CE-in-Council approved an overall average fare increase rate of 3.2%, which took effect on 15 May 2011.

Relevant motions/questions moved/raised at Council meetings and other relevant papers

23. The hyperlinks to relevant motions and questions moved/raised at Council meetings and other relevant papers are in **Appendices I and II** respectively.

Latest development

24. KMB and LWB submitted fare increase applications of 8.5% in September 2018. The Administration will consult the Panel on the fare increase applications from KMB and LWB at the Panel meeting to be held on 15 February 2019.

Council Business Division 4
<u>Legislative Council Secretariat</u>
8 February 2019

Appendix I

Relevant motions and questions moved/raised at Council meetings

2.11.2011	Hon Starry LEE raised a question on fare concession of public transport http://www.info.gov.hk/gia/general/201111/02/P201111020220.ht m
4.2.2015	Hon Emily LAU Wai-hing raised a question on reduction in bus fares and retail prices of auto-fuel in response to drop in oil prices http://www.info.gov.hk/gia/general/201502/04/P201502040413.htm
6.5.2015	Hon Frederick Fung Kin-kee raised a question on fuel prices and public transport fares http://www.info.gov.hk/gia/general/201505/06/P201505050737.h
24.6.2015	Hon WONG Kwok-hing raised a question on fare payment system of franchised buses http://www.info.gov.hk/gia/general/201506/24/P201506240416.h
24.2.2016	Hon WONG Kwok-kin raised a question on interchange discount for public transport http://www.info.gov.hk/gia/general/201602/24/P201602240438.h tm
1.6.2016	Hon TANG Ka-pui raised a question on Fare adjustment Arrangement for franchised buses and MTR Fare adjustment mechanisms http://www.info.gov.hk/gia/general/201606/01/P201606010457.h
22.6.2016	Hon Frederick Fung Kin-kee raised a question on fuel prices and public transport fares http://www.info.gov.hk/gia/general/201606/22/P201606220563.htm)

9.11.2016	Hon Frankie Yick Chi-ming raised a question on Government public transport fare concession scheme for elderly and eligible persons with disabilities http://www.info.gov.hk/gia/general/201611/09/P2016110900348. http://www.info.gov.hk/gia/general/201611/09/P2016110900348 . http://www.info.gov.hk/gia/general/201611/09/P2016110900348 .
28.6.2017	Hon Michael TIEN puk-sun raised a question on encouraging members of public to use public transport http://www.info.gov.hk/gia/general/201706/28/P2017062800498 . http://www.info.gov.hk/gia/general/201706/28/P2017062800498 . http://www.info.gov.hk/gia/general/201706/28/P2017062800498 .
21.3.2018	Hon Jeremy Tam man-ho raised a question on public transport fare concession scheme for the elderly and eligible persons with disabilities http://www.info.gov.hk/gia/general/201803/21/P2018032100722 . httm?fontSize=1
25.4.2018	Hon IP Kin-yuen raised a question on fare concessions for students offered by public transport operators https://www.info.gov.hk/gia/general/201804/25/P201804250027 https://www.info.gov.hk/gia/general/201804/25/P201804250027 https://www.info.gov.hk/gia/general/201804/25/P201804250027

Appendix II

Fare increase applications by Kowloon Motor Bus Company (1933) Limited and Long Win Bus Company Limited

List of relevant papers

Date of meeting	Minutes/Paper	LC Paper No.
22.2.2008	Administration's paper on fare increase applications by franchised bus companies	CB(1)828/07-08(01) http://www.legco.gov.hk/yr07-08/ english/panels/tp/papers/tp0222cb 1-828-1-e.pdf
	Minutes of the meeting	CB(1)1123/07-08 http://www.legco.gov.hk/yr07-08/ english/panels/tp/minutes/tp08022 2.pdf
25.4.2008	Administration's paper on fare increase applications by Citybus Limited and New World First Bus Services Limited	http://www.legco.gov.hk/yr07-08/
	Minutes of the meeting	CB(1)1975/07-08 http://www.legco.gov.hk/yr07-08/ english/panels/tp/minutes/tp08042 5.pdf
24.4.2009	Administration's paper on rectification of the wage indices and consequential revision to fare adjustment formula outcomes	CB(1)1337/08-09(06) http://www.legco.gov.hk/yr08-09/ english/panels/tp/papers/tp0424cb 1-1337-6-e.pdf
	Minutes of the meeting	CB(1)2541/08-09 http://www.legco.gov.hk/yr08-09/ english/panels/tp/minutes/tp20090/424.pdf

Date of meeting	Minutes/Paper	LC Paper No.
23.10.2009	Administration's paper on review of fare adjustment arrangement for franchised buses	
	Minutes of the meeting	CB(1)922/09-10 http://www.legco.gov.hk/yr09-10/ english/panels/tp/minutes/tp20091 023.pdf
26.11.2010	Administration's paper on fare increase applications from the Kowloon Motor Bus Company (1933) Limited and the Long Win Bus Company Limited	CB(1)482/10-11(06) http://www.legco.gov.hk/yr10-11/ english/panels/tp/papers/tp1126cb 1-482-6-e.pdf
	Updated background brief on "fare adjustment arrangement for franchised buses"	CB(1)481/10-11 http://www.legco.gov.hk/yr10-11/ english/panels/tp/papers/tp1126cb 1-481-e.pdf
	Minutes of the meeting	CB(1)1159/10-11 http://www.legco.gov.hk/yr10-11/ english/panels/tp/minutes/tp20101 126.pdf
-	Press release published by the Kowloon Motor Bus Company (1933) Limited on its fare increase application on 29 November 2012	http://www.kmb.hk/en/news/press/archives/news201211291802.html
14.12.2012	Administration's paper on fare increase application from the Kowloon Motor Bus Company (1933) Limited	CB(1)249/12-13(05) http://www.legco.gov.hk/yr12-13/ english/panels/tp/papers/tp1214cb 1-249-5-e.pdf

Date of meeting	Minutes/Paper	LC Paper No.
	Updated background brief on "fare adjustment arrangement for franchised buses"	CB(1)249/12-13(06) http://www.legco.gov.hk/yr12-13/ english/panels/tp/papers/tp1214cb 1-249-6-e.pdf
	Administration's response to the motions passed and supplementary information on fare increase application from The Kowloon Motor Bus Company (1933) Limited (Follow-up paper)	CB(1)763/12-13(01) http://www.legco.gov.hk/yr12-13/ english/panels/tp/papers/tp1214cb 1-763-1-e.pdf
	Minutes of the meeting	CB(1)689/12-13 http://www.legco.gov.hk/yr12-13/ english/panels/tp/minutes/tp20121 214.pdf
-	Press release published by the Kowloon Motor Bus Company (1933) Limited on its fare increase application on 29 November 2013	
-	Administration's response to the letter from Hon TANG Ka-piu on the fare increase application from the Kowloon Motor Bus Company (1933) Limited as set out in LC Paper No. CB(1)468/13-14(01)	
11.4.2014	Administration's paper on fare increase application from The Kowloon Motor Bus Company (1933) Limited	CB(1)1208/13-14(05) http://www.legco.gov.hk/yr13-14/ english/panels/tp/papers/tp0411cb 1-1208-5-e.pdf
	Minutes of the meeting	CB(1)1802/13-14 http://www.legco.gov.hk/yr13-14/ english/panels/tp/minutes/tp20140 411.pdf

Date of meeting	Minutes/Paper	LC Paper No.
23.6.2014	Administration's paper on franchises of Citybus Limited (Franchise for Hong Kong Island and Cross Harbour Bus Network) and New Lantao Bus Company (1973) Limited	CB(1)1621/13-14(04) http://www.legco.gov.hk/yr13-14/ english/panels/tp/papers/tp0623cb 1-1621-4-e.pdf
	Minutes of the meeting	CB(1)79/14-15 http://www.legco.gov.hk/yr13-14/ english/panels/tp/minutes/tp20140 623.pdf
16.6.2017	Administration's paper on Public Transport Strategy Study	CB(4)1176/16-17(03) http://www.legco.gov.hk/yr16-17/ english/panels/tp/papers/tp201706 16cb4-1176-3-e.pdf
	Minutes of the meeting	CB(4)177/17-18 http://www.legco.gov.hk/yr16-17/ english/panels/tp/minutes/tp20170 616.pdf
	Press release published by the Citybus Limited and New World First Bus Services Limited on the fare increase applications on 25 August 2017	http://www.nwstbus.com.hk/en/uploadedPressRelease/10030_2508 2017_eng.pdf
22.6.2018	Administration's paper on Transport Public Transport Strategy Study - Implementation Progress of Measures	CB(4)490/17-18(01) http://www.legco.gov.hk/yr17-18/ english/panels/tp/papers/tp201801 22cb4-490-1-e.pdf
19.10.2018	Administration's paper on Transport-related Policy Initiatives in 2018 Policy Address	https://www.legco.gov.hk/yr18-1

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