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Paper for the House Committee meeting on 29 May 2020

Report of the Subcommittee on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2020 and Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2020

Purpose

This paper reports on the deliberations of the Subcommittee on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2020 and Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2020 ("the Subcommittee").

Background

2. At present, the overall length of a light bus, which is specified in the First Schedule to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), must not exceed 7 metres. Pursuant to regulation 4 of Cap. 374A, the Commissioner for Transport ("C for T") may exempt the vehicle overall length restriction on a light bus if C for T considers that it would be in the public interest to do so. According to paragraph 2 of the Legislative Council ("LegCo") Brief (File Ref: THB(T)L 3/2/4) issued by the Transport and Housing Bureau on 14 April 2020, the vehicle length of light bus models with more environmental benefits and/or barrier-free facilities available in the market often exceeds the current legal requirements.

3. As stated in paragraphs 3 and 4 of the LegCo Brief, to take forward the

"low-floor wheelchair-accessible light bus trial scheme" ("the Scheme")¹ which aims to introduce more low-floor wheelchair-accessible light buses, C for T has been granting exemptions to vehicles from complying with the vehicle construction requirements, including the statutory vehicle overall length restriction, on a case-by-case basis under Cap. 374A. Other than public light buses, exemptions have also been granted to private light buses with vehicle length of more than 7 metres. Examples include vehicles providing services to meet special transport needs of persons with disabilities.

Relaxation of vehicle length restriction of light buses

4. To further promote the Government's policy objective on green and barrier-free transport, having critically reviewed the current legal requirements and the light bus models available in the market, the Administration proposes to relax the vehicle overall length restriction of light bus from 7 metres to 7.5 metres to allow light buses with more environmental benefits and/or barrier-free facilities to be introduced into Hong Kong, while continuing to encourage healthy competition by increasing the supply of vehicle models which comply with the local legal requirements in the market with public interest in mind.

Relaxation of maximum gross vehicle weight restriction of light buses

5. The current maximum gross vehicle weight of a light bus is 5.5 tonnes as specified in Part I of the Second Schedule to Cap. 374A. Due to the increase in length of light buses available in the market, the Administration considers that the relative weight of these light buses would also have increased. In addition, to further improve roadside air quality, the Administration, as stated in paragraph 8 of the LegCo Brief, has been encouraging the use of electric light buses, which are usually heavier than conventional light buses due to the weight of the batteries, exceeding the maximum gross vehicle weight restriction. At present, C for T would exercise her discretion in light of public interest to exempt vehicles from complying with the maximum gross vehicle weight restriction.

6. In view of the above, the Administration proposes to relax the

¹ To promote the concept of "Transport for All", the Administration launched the Scheme in January 2018, where two low-floor wheelchair accessible light buses were introduced by phases to two hospital routes (including routes operating via Queen Mary Hospital and Prince of Wales Hospital respectively) starting from the first and second quarter of the same year. The Transport Department is reviewing the effectiveness and efficiency of the low-floor wheelchair-accessible light buses and if the Scheme is proven feasible and desirable, the Government would discuss with the trade on further promoting low-floor light buses.

maximum gross vehicle weight restriction of light buses from 5.5 tonnes to 8.5 tonnes, so that the local legal requirements would be able to accommodate light buses of longer length as well as electric light buses. According to the Administration, vehicles of up to 8.5 tonnes are generally able to manoeuvre on the majority of public roads in Hong Kong.

Destination Indicator

7. Currently under regulations 50(1) and (2) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D), a driver of a public light bus must ensure that there is displayed at the front of the vehicle a destination indicator which must clearly indicate the destination of the vehicle in English and Chinese. Pursuant to Schedule 6 to Cap. 374D, those English letters and the Chinese characters must be in white and, depending on the area where the public light bus is operating, on a dark blue, green, yellow or red background.²

8. As mentioned in paragraph 12 of the LegCo Brief, along with time and the development of new towns, the provision of public light bus services has become flexible where cross-district service is also popular. Further, other than destination indicators by means of a roller blind, the use of electronic destination indicators has become increasingly common in view of technological development. To align with the flexible operational mode of the public light bus trade, the Administration proposes to relax the background colour requirement of destination indicators by means of a roller blind by allowing the public light bus operators to choose from one of the background colours allowed under the current law (i.e. white words on dark blue, green, yellow or red background), and stipulate the colour requirement of destination indicators by any other means (including electronic destination indicators) (i.e. yellow or amber words on a dark non-reflective background).

Fare Card

9. At present, pursuant to regulation 50(3) and (4) of Cap. 374D, a driver of a public light bus must ensure that there is displayed at the front of the vehicle a fare card which must indicate the fare in English and Chinese in red letters and characters on a white background.

2 The background colour of a destination indicator on a public light bus must be (a) dark blue for any route on Hong Kong Island (other than a cross-harbour route), (b) green for any route which terminates in Kowloon and New Kowloon (other than a cross-harbour route), (c) yellow for any route which terminates in the New Territories (other than a cross-harbour route), or (d) red for any route which operates through the Cross-Harbour Tunnel.

10. The Administration considers the language and colour requirement of a fare card set out in the current law outdated, given that public light bus operators commonly indicate the fare by Arabic numerals. In this regard, the Administration proposes to amend the current language requirement of a fare card, where fares must be clearly shown in Arabic numerals with a dollar sign "\$", while the colour requirement will be removed.

The Amendment Regulations

Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2020 (L.N. 39 of 2020) and Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2020 (L.N. 40 of 2020)

11. The Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2020 (L.N. 39 of 2020) ("Cap. 374A Amendment Regulation") is made under section 9 of the Road Traffic Ordinance (Cap. 374) to amend the First Schedule and Part I of the Second Schedule to Cap. 374A to increase the maximum overall length and the maximum gross vehicle weight specified for a light bus as described in paragraphs 4 and 6 above respectively.

12. The Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2020 (L.N. 40 of 2020) ("Cap. 374D Amendment Regulation") is made under section 7 of Cap. 374 to revise the relevant requirements in respect of a destination indicator and a fare card to be displayed on a public light bus as explained in paragraphs 8 and 10 above. It also amends regulation 50(1) of Cap. 374D to the effect that a destination indicator must indicate the destination of the public light bus in a clearly visible and legible manner.

13. The above Amendment Regulations were gazetted on 17 April 2020 and tabled before LegCo at its meeting of 22 April 2020 for negative vetting. They come into operation on 5 July 2020.

The Subcommittee

14. At the special meeting of the House Committee held on 8 May 2020, Members agreed that a subcommittee should be formed to examine the Amendment Regulations in detail. The membership list of the Subcommittee is in **Appendix**. Under the chairmanship of Mr Frankie YICK Chi-ming, the Subcommittee held one meeting with the Administration on 26 May 2020.

15. By a resolution passed at the Council meeting of 20 May 2020, the scrutiny period of the Amendment Regulations has been extended to the

Council meeting of 10 June 2020.

Deliberations of the Subcommittee

16. Members in general have no objections to the legislative amendments. The deliberations of the Subcommittee are summarized in the ensuing paragraphs.

Relaxation of vehicle length restriction and maximum gross vehicle weight restriction of light buses

17. Mr POON Siu-ping points out that according to Annex C of the LegCo Brief which sets out the technical details of light bus models, the vehicle length of light buses with more environmental benefits and/or barrier-free facilities will be more than 7.5 metres and up to 8.1 metres. In this connection, members ask whether the Administration would consider further relaxing the proposed length and weight restrictions of light buses, with a view to catering for technological development and providing flexibility for the trade in the procurement of new public light buses.

18. The Administration advises that the proposal to relax the vehicle overall length restriction of a light bus from 7 metres to 7.5 metres is to allow various light buses models with more environmental benefits and / or barrier-free facilities to be introduced into Hong Kong while continuing to encourage healthy competition by increasing the supply of vehicle models which comply with the local legal requirements in the market with public interest in mind. If the market would like to introduce models of light buses with vehicle length of more than 7.5 metres and it is in the public interest in doing so, C for T would continue to exercise her discretion to grant exemption to vehicles from complying with the statutory vehicle overall length restriction, on a case-by-case basis under Cap. 374A. In general, the majority of public roads in Hong Kong are able to accommodate light buses of 7.5 metres. The Administration has examined the public transport interchanges, public light bus termini and road sections where green minibus operate, and commence feasible modification works at the relevant sites to accommodate the use by such light buses. .

19. The Administration explains that further relaxing the vehicle overall length restriction of light buses to about 8 metres might not be appropriate, as the parking spaces available for light buses will be significantly reduced. The Administration is of the view that the proposed relaxation is adequate to meet the needs of the community and remarks that both the public light bus trade and the suppliers of public light buses are satisfied with the above arrangement.

20. The Administration further advises that vehicles of up to 8.5 tonnes are able to manoeuvre on the majority of public roads in Hong Kong. As such, the Administration has proposed the above-mentioned relaxation on weight restriction so that the local legal requirements would be able to accommodate light buses of longer length as well as heavier electric light buses.

21. Noting that modification works at certain public transport interchanges, public light bus termini and road sections were found not feasible, the Chairman enquires the measures to be taken by the Administration to accommodate the wider use of low-floor wheelchair-accessible light buses in future.

22. The Administration responds that according to Annex D of the LegCo Brief, 140 of the 154 public transport interchanges and public light bus termini are suitable for use by light buses of 7.5 metres while 25 of them need modification works; and 14, i.e. less than 10%, of these facilities are not suitable for use by light buses of 7.5 metres while modification works are not conductible. The Administration advises that it will carry out remedial arrangements as far as practicable. In case low-floor light buses should be adopted territory-wide, the Administration would consider making further arrangements, and where necessary more substantial modification works and/or relocation, to the alighting/drop-off points of individual public light bus routes so as to facilitate their operation.

23. Mr Abraham SHEK enquires if the public light bus trade has any adverse comments on the legislative amendments. The Administration advises that the trade has been consulted and they generally welcome the above proposals as there will be more choices in respect of light bus models in the market.

Discretion to grant exemption on vehicle overall length restriction on light buses

24. Members note that pursuant to regulation 4 of Cap. 374A, C for T may, depending on individual circumstances, exercise her discretion to grant exemption on the vehicle overall length restriction on a light bus with public interest in mind. In this regard, Mr POON Siu-ping seeks information on the number of cases where C for T has exercised her discretion.

25. The Administration advises that in recent years, to further promote the Government's policy objective on barrier-free transport, the Administration launched the Scheme in January 2018 to introduce more low-floor wheelchair-accessible light buses. To take forward the Scheme, exemptions have been granted by C for T on two occasions to light buses for two hospital routes operating via Queen Mary Hospital and Prince of Wales Hospital.

Other issues

26. Mr Abraham SHEK enquires about the cost of a light bus with more environmental benefits and/or barrier-free facilities. He is concerned whether the fare level will be increased due to the higher cost of public light buses. The Administration advises that according to the market information, the cost of such light bus is over \$1 million, compared to \$700,000 to \$800,000 for an ordinary light bus. In view of the higher cost, the public light bus operators have adopted a wait-and-see attitude in respect of introducing more low-floor wheelchair-accessible public light buses into the market. The operators are also concerned if the Administration will provide subsidy in this regard. Members are advised that the Administration is reviewing the effectiveness and efficiency of the low-floor wheelchair-accessible light buses. The Administration will consider various feasible options including the provision of subsidy, in order to promote the introduction of low-floor light buses.

27. The Chairman shares Mr Abraham SHEK's concern on the fare level of the public light buses. He also takes the opportunity to relay the views of the public light bus trade that the trade has maintained an open mind on the types of light bus to be introduced into the market. Nevertheless, the trade hopes that the Administration will pay the difference in cost in view of the operating difficulties currently faced by the trade.

28. The Administration will consider the views of members in this respect and provide necessary incentives to promote the Government's policy objective on green and barrier-free transport.

Recommendation

29. The Subcommittee does not have any objections to the Amendment Regulations and will not propose any amendment to them.

Advice sought

30. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee on
Road Traffic (Construction and Maintenance of Vehicles)
(Amendment) Regulation 2020 and Road Traffic (Public Service Vehicles)
(Amendment) (No. 2) Regulation 2020**

Membership list

Chairman Hon Frankie YICK Chi-ming, SBS, JP

Members Hon Abraham SHEK Lai-him, GBS, JP
Hon CHAN Han-pan, BBS, JP
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon LUK Chung-hung, JP

(Total : 6 Members)

Clerk Ms Sophie LAU

Legal Adviser Ms Wendy KAN