

LCQ12: Regulation of cross-boundary coach services

Following is a question by the Hon Priscilla Leung Mei-fun and a written reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (July 13):

Question:

I have received complaints from a number of members of the public that nearly 200 trips of cross-boundary coaches (CBC) are operated by a number of bus companies each day in the area of Playing Field Road and Portland Street in Kowloon, causing traffic congestion, endangering the safety of pedestrians as well as creating problems such as serious noise nuisances and vehicular emissions in the community. In addition, some members of the public even queried why these CBC companies are not subject to any regulation and can freely set up pick-up/set-down points on the street, thereby creating even more serious problems in the community. In this connection, will the Government inform this Council:

- (a) whether the authorities have, apart from Lok Ma Chau - Huanggang Cross-boundary Shuttle Bus Service, regulated the operation of other CBC services (including the locations of pick-up/set-down points and coach frequencies, etc.); if they have, of the government departments which are responsible for monitoring such operation and the details; if not, the reasons why this type of public transport services operating on a commercial basis is not regulated by the law;
- (b) whether the authorities have compiled statistics on the number of locations in various districts in the territory which are currently used as CBC terminals; among them, of the number of those for which formal approval has been granted by the Government; whether they have examined if the remaining ones have been set up illegally, and whether such a situation involves any grey area in the law;
- (c) whether the Government had, in the past five years, taken any follow-up actions (such as requesting the immediate removal of the pick-up/set-down points or instituting prosecutions) against those CBC companies which were found to have illegally occupied the roads to set up pick-up/set-down points; if it had, of the details;
- (d) whether the Government had, in the past five years, received any complaints from the public regarding the noise nuisances, vehicular emissions or street obstruction

caused by CBC stops; if it had, of the number and the subject of such complaints (with a breakdown by year set out in table form); and

(e) whether the authorities will consider making reference to the existing means of regulating the operation of residents' service coaches to handle and rationalise the provision of CBC services?

Reply:

President,

(a) Cross-boundary coach services, including Lok Ma Chau/Huanggang short-haul cross-boundary coach services, Huanggang-Lok Ma Chau cross-boundary shuttle bus (Shuttle Bus) services and other long-haul cross-boundary coach services, are non-franchised bus services, regulated by the passenger service licences (PSLs) issued by the Commissioner for Transport (C for T) under section 27 of the Road Traffic Ordinance (the Ordinance) (Cap. 374) and its subsidiary legislation. The operation of cross-boundary coach services within Hong Kong must comply with the licensing conditions for non-franchised buses, PSL conditions and operating conditions for cross-boundary coaches. Furthermore, such services must be operated in accordance with the routes, pick-up/drop-off points and frequencies specified in the corresponding schedules of service attached to the PSLs.

When a cross-boundary coach operator has contravened any aforementioned conditions (including the operational details specified in the schedules of service), C for T may conduct an inquiry against the PSL holder. If non-compliance with the Ordinance or licensing conditions is established by the inquiry, the PSL holder will be liable to penalty measures including suspension or cancellation of the PSL, suspension or cancellation of the PSL in respect of the vehicles concerned, or variation of the PSL in respect of the routes, approved purposes or number of vehicles stated in the PSL pursuant to section 31 of the Ordinance. If the pick-up/drop-off point or operation concerned involves road safety problems or contravention of the Ordinance, the Transport Department (TD) will refer the case to the Police for the latter to consider taking suitable enforcement action.

Apart from the Ordinance and operating conditions mentioned above, the frequencies of cross-boundary coach services are also subject to regulation under the cross-boundary coach quota system jointly administered by the Hong Kong and

Mainland authorities, to ensure smooth traffic and safe operation of the control points. If cross-boundary coaches are found to have overrun their scheduled frequencies, the governments of the two places will issue warning to the operator, temporarily suspend or cancel the quotas concerned, as appropriate.

(b) The pick-up/drop-off points of cross-boundary coaches within Hong Kong are suggested by the operators according to passenger demand to TD for approval. When vetting the applications, TD will consider the proposed locations with regard to factors such as convenience to passengers, ancillary facilities, road safety and traffic conditions, and consult relevant government departments. District consultation will also be conducted in order to balance, as far as possible the demand for cross-boundary coach services with the requests of the locals. According to TD's records, there are a total of 137 en-route stops and termini for long-haul cross-boundary coaches (excluding Lok Ma Chau/Huanggang short-haul cross-boundary coaches and shuttle buses) within Hong Kong.

Cross-boundary coaches can only pick-up or drop-off passengers at designated pick-up/drop-off points, otherwise they may contravene the licensing conditions for non-franchised buses, PSL conditions and related schedules of service, as well as operating conditions for cross-boundary coaches. As mentioned in part (a) of the reply, TD and the Police can take appropriate penalising or enforcement actions pursuant to the relevant provisions in the Ordinance.

(c) Over the past five years since 2007, TD has handled 16 cases involving the setting up of pick-up/drop-off points for cross-boundary coaches without approval. With regard to these cases, TD has urged the operators concerned in writing to stop the noncompliant operation and to provide passengers with coach services at the pick-up/drop-off points specified in the schedules of service. TD will also step up inspection of the operation of the operators concerned at these locations. If the pick-up/drop-off points involve road safety problems or contravention of the Ordinance, TD will refer the case to the Police for appropriate enforcement action.

Among the 16 cases handled, the operators involved in eight cases have ceased unauthorised operation. In seven cases, the operators concerned have identified suitable locations nearby for setting up pick-up/drop-off points, and have made or will make formal applications to TD. As for the only remaining case, i.e. the problem caused by unauthorised pick-up/drop-off activities around Playing Field Road, TD has asked the operators concerned in writing to stop the noncompliant operation, and will

consider conducting an inquiry against the operator if appropriate.

In addition to cross-boundary coaches, the area around Playing Field Road is a popular pick-up/drop-off point for other vehicles (including local tour buses). There may therefore be traffic congestions during peak hours. TD and the Police had met with District Councillors and operators concerned to discuss the problems and possible improvement measures, for example, adjusting the service schedules of cross-boundary coaches based on actual demand to reduce the number of coaches picking up/dropping off passengers at that location at the same time; considering increasing the number of pick-up/drop off points in the vicinity. TD will monitor and review the actual traffic condition around Playing Field Road and actively explore more comprehensive and viable improvement measures, to regularise the cross-boundary coach services at these locations and minimise the impact on other road users. The Police will also step up patrol at this location, and will take appropriate enforcement action in case unauthorised pick-up/drop-off activities have led to traffic obstruction.

(d) The numbers of complaints relating to cross-boundary coach stops received by the Government in the past five years are tabulated below:

	Noise nuisance	Coach emission nuisance	Obstruction to pedestrians and traffic*	Total
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2007	2	6	3	11
2008	3	9	13	25
2009	2	3	19	24
2010	5	5	19	29
2011	2	10	12	24

(as at
June 30)

* The complaint figures only include data kept by TD.

(e) Both cross-boundary coach services and residents' services belong to non-franchised bus services. Both operations are subject to regulation by the PSLs issued by C for T under section 27 of the Ordinance and its subsidiary legislation, which means that the services must comply with the licensing conditions for

non-franchised buses, PSL conditions, and follow the routes, pick-up/drop-off points and frequencies specified in the PSL schedules of service. The operation of cross-boundary coach services within Hong Kong is therefore regulated in the same manner as residents' services. In addition, cross-boundary coach services have to be operated in accordance with the operating conditions for cross-boundary coaches.

The Government will try as far as possible to provide off-street termini for cross-boundary coaches at suitable locations, with a view to providing safer services and better passenger facilities, and minimising the impact of cross-boundary coach operation on the environment and residents in the neighbourhood.

Ends/Wednesday, July 13, 2011

Issued at HKT 11:32