

## LCQ9: Bus lane permit

Following is a question by the Hon James To and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 6):

Question:

Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) provides that unless for special reasons such as avoiding a traffic accident or conforming with a direction given by a police officer, the driver of a motor vehicle who is not a permitted user shall ensure that his vehicle does not enter a bus lane. It has been reported that early last month, the saloon car of the Financial Secretary was found travelling along a section of bus lane in Wan Chai in order to jump the queue and cut into a lane heading to the Cross Harbour Tunnel. In responding to media enquiries subsequently, his Press Secretary indicated that the car concerned might use bus lanes when "necessary" because the Commissioner for Transport had issued a bus lane permit (BLP) in respect of that car. In this connection, will the Government inform this Council:

- (1) of the number of government officials who have been issued with a BLP, and set out by government department (i) a breakdown of such number and (ii) the registration marks of the vehicles concerned;
- (2) apart from the government officials mentioned in (1), whether the authorities have issued BLPs to the personnel of (i) consulates and (ii) other types of organisations; if so, of the reasons for issuing the BLPs, and the number of BLPs issued to the personnel of each type of organisations;
- (3) of the traffic regulations with which BLP holders are exempted to comply;
- (4) whether, when issuing BLPs in the past five years, the Transport Department (TD) imposed any conditions specifying the circumstances under which the use of BLP was regarded "necessary"; if so, of the details, and whether TD has issued (i) guidelines to BLP holders and (ii) law enforcement guidelines to the relevant law enforcement agencies, in relation to such conditions; if so, of the details; if not, whether the authorities will formulate such guidelines; and
- (5) whether TD has required BLP holders to attend courses before using BLPs to ensure that they are familiar with the conditions therein; if so, of the unit offering such courses; if not, the reasons for that?

Reply:

President,

The Transport Department (TD) designates bus lanes on roads in accordance with the Road Traffic (Traffic Control) Regulations (Cap. 374G). Any person who wishes to drive a motor vehicle, or wishes a motor vehicle to

be driven, in a bus lane may apply to the TD for a bus lane permit (BLP). The TD may issue a BLP pursuant to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E).

In processing applications for a BLP, the TD will assess each case on individual merits. When assessing the applications, the TD will review the actual needs of the applicant, the justifications and the proofs provided. Consideration will also be given to factors such as the prevailing traffic conditions, road safety, the availability of alternative arrangements, and impact on other road users and public transport services.

My reply to the various parts of the Hon James To's question is as follows.

(1) At present, the TD has issued 520 BLPs to 31 bureaux, government departments and related government bodies. The details are set out in Annex 1. Given the sizable number of departmental vehicles involved, and that some of them are used for security/enforcement/patrol duties, the disclosure of the registration marks of those vehicles may hinder the carrying out of those duties, the TD has therefore not set out further details. Furthermore, in accordance with regulation 60 of the Road Traffic (Traffic Control) Regulations, if the bus lane hinders the use of vehicles for fire services, ambulance, police or customs and excise service purposes, the restrictions of the traffic signs and road markings of such bus lane do not apply to these vehicles.

(2) At present, the TD has issued 2 165 BLPs to other organisations and bodies, including public transport operators, government service contractors, non-governmental organisations, and operators of transport service for students. BLPs have not been issued to vehicles of consulates. The numbers of BLPs issued to various organisations and bodies are set out in Annex 2.

(3) to (5) The TD will normally incorporate appropriate additional conditions into the BLP, such as limiting the use of the permit to the discharge of official duties and provision of public services, the dates and hours during which the permit will be valid, and certain specified restrictions applicable only to specific road sections. When using the BLPs, vehicles are obliged to comply with the conditions set out in their BLPs when passing through bus lanes, and must not cause inappropriate obstruction to the operation of buses.

Since there are clear traffic signs and road markings for the area and the entrance of a bus lane, holders of a driving licence should be able to identify a bus lane and comprehend the relevant restrictions. Furthermore, a BLP already sets out the scope of its application and its conditions of use in writing. Hence, the TD has neither issued separate guidelines to BLP holders, nor required drivers of vehicles issued with BLPs to enrol on additional courses.

Any police officer on duty who has found a vehicle travelling along a bus lane without displaying a valid BLP will issue a fixed penalty ticket to the driver on the spot pursuant to the Road Traffic (Traffic Control)

Regulations and charge him for failure to conform with the road marking. In case the driver claims to the Police that he has been issued a valid BLP from the TD but has nevertheless failed to display it to the Police at the scene, the Police will suggest the driver to dispute the fixed penalty ticket already issued to him. If police investigation confirms that the driver does hold a valid BLP, the Police will cancel the fixed penalty ticket concerned. However, the Police will charge the driver for contravention of the conditions of the bus lane permit pursuant to the Road Traffic (Registration and Licensing of Vehicles) Regulations, as the vehicle involved has failed to display a valid BLP at the designated position on its windscreen.