

LCQ21: Supporting development of public light bus trade

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Transport and Logistics, Ms Mable Chan, in the Legislative Council today (February 19):

Question:

It is learnt that public light buses (PLBs) are an important supplementary feeder transport means in Hong Kong, with an average daily patronage in the millions. However, some members of the trade have pointed out that due to factors such as rising fuel expenses and the increase in Cross-Harbour Tunnel (CHT) tolls resulting from the rationalisation of traffic flow among the three road harbour crossings (RHCs), the operating costs of PLBs have increased, thereby affecting the livelihood of drivers. Regarding the support for the development of the PLB trade, will the Government inform this Council:

- (1) whether it has compiled statistics on the average monthly number of red minibuses using CHT in the two years before and one year after the rationalisation of traffic flow among RHCs; whether the average monthly number of red minibuses using CHT has decreased after the rationalisation of traffic flow at CHT;
- (2) whether it will consider the trade's request to lower the RHC toll for PLBs to \$25 to bring it in line with that for taxis; if so, of the relevant adjustment arrangements; if not, the reasons for that;
- (3) whether it will consider opening up the bus-only lanes and drop-off points for tunnels to PLBs; if so, of the relevant arrangements; if not, the reasons for that; and
- (4) whether it has plans to introduce other measures to support the development of the PLB trade?

Reply:

President,

In consultation with the Transport Department (TD), our reply to the question raised by the Hon Luk Chung-hung, is as follows:

- (1) As the toll collection systems only record the use of tunnels by vehicle type "light bus" (including private light buses and public light buses (PLBs)), the TD does not have figures on the use of tunnels by red minibuses (RMBs).

Since the implementation of time-varying tolls, taking December 2024 as an example, there is no significant change in the total weekday cross-harbour

light bus (including private light buses and PLBs) traffic compared with that before the implementation. Some of the light bus traffic at the Cross-Harbour Tunnel has been diverted to the Western Harbour Crossing (WHC), thus resulting in a more even distribution of cross-harbour traffic of light bus among the three road harbour crossings (RHCs).

(2) Generally speaking, the tolls for commercial vehicles (CVs) (including goods vehicles, light buses and buses) are generally higher than that for private cars as CVs take up more road space and cause more wear and tear to road surfaces. With the implementation of time-varying tolls, the Government has taken into account the "efficiency first" principle, the passenger-carrying efficiency and the socio-economic benefits of CVs in the past, and has brought the higher tolls for CVs closer to a level comparable to that for private cars during busy hours. The tolls for PLBs using WHC have been substantially reduced compared to the previous tolls (from \$85 to \$50, a reduction of about 41 per cent), and the tolls are comparable to the average tolls of the three RHCs in the past (about \$44). For taxis, journeys are mainly passenger-driven and passengers are required to pay the tolls for both the outward and return cross-harbour journeys, i.e. a total of \$50, which is in line with the CHT tolls for PLBs.

With the implementation of time-varying tolls, the distribution of cross-harbour traffic is becoming more even and the capacity of the three RHCs can be better utilised. The overall traffic queues and congestion at the tunnel portals has also been alleviated, thus effectively improving the overall cross-harbour traffic. RMBs have been operating with a high degree of flexibility in terms of routeings, frequencies and fares. In planning cross-harbour routes for PLBs, most operators will take into account a number of factors besides tolls. These factors include target passengers, routeings and destinations, accessibility and journey time. With the implementation of time-varying tolls, the overall cross-harbour traffic has improved, saving cross-harbour travel time and helping to reduce fuel costs. It will also enhance the efficiency of PLB services and attractiveness of PLBs to passengers.

The Government is now collecting and consolidating the cross-harbour traffic data of 2024, including data on the traffic flow, speed and queues of the three RHCs at different times of the day/quarters/directions, as well as the distribution of traffic flow by vehicle types, so as to conduct a comprehensive analysis of the impact of the time-varying tolls on the cross-harbour traffic, and then examine whether the toll levels of various vehicle types need to be adjusted. The review is expected to be completed by mid-2025.

(3) As road-based mass carriers with high patronage, buses have relatively higher passenger carrying capacity and efficiency. Therefore, the TD will give priority to buses in the use of roads as far as practicable, such as providing bus-only lanes and designated bus gate to optimise the capacity of busy roads. If bus-only lanes are opened for use by other vehicles, the effectiveness of bus-only lanes and the journey time of buses may be affected. Therefore, the TD currently has no plan to open bus-only lanes for

use by other vehicles.

At present, there are bus stops for a number of cross-harbour bus routes near the entrances and exits of the RHCs. Their usage has reached saturation. To avoid affecting bus operation and passengers' boarding and alighting, the TD has no plan to open the cross-harbour tunnel bus stops as drop-off points for PLBs.

(4) The Government has been paying close attention to the operating situation of the PLB trade and has implemented various measures to help improve the operating environment. In respect of day-to-day operations, the TD provides appropriate and practicable support on the request of the trade to meet operational needs, for example, suitably relaxing or rescinding some passenger pick-up/drop-off restricted zones or prohibited zones for RMBs, taking into account the actual road conditions of individual locations; and permitting overnight parking of PLBs at designated PLB stands where it does not impact road safety or other road users, with a view to meeting operational needs of the PLB trade.

The Government also noted that the PLB sector has been facing continuous and acute shortage of drivers. To this end, the Government launched the Labour Importation Scheme for Transport Sector – PLB/Coach Trade in July 2023, to allow importation of non-local drivers by eligible PLB operators on the premise of safeguarding the employment priority for local workers. A total of 900 quotas for imported PLB drivers have been approved under two rounds of application. As of end January 2025, over 600 imported drivers have successfully obtained the driver license required and have been deployed to services. In addition, the TD and the Employees Retraining Board (ERB) have introduced a pilot placement scheme in late 2024. The placement-tied driving training scheme, using the PLB trade as pilot, is jointly launched by the ERB, green minibus (GMB) operators and third-party training organisations to encourage local workers to join the PLB trade.

On the other hand, it has been the Government's established policy to encourage the conversion of RMBs to GMB operations, which has a wider catchment area and a relatively stable operating environment, with a view to improving their operating conditions and allowing for more effective monitoring by the TD to ensure the service quality. To align with this policy, the TD has been planning and developing new GMB route packages in light of district development and passenger demand and has been inviting applications from interested parties (including RMB operators) to run these routes through the annual GMB Operators Selection exercise. At the same time, in August 2024, the TD invited operators of 11 selected RMB routes meeting specific conditions to apply for conversion to GMB route operations. The operators of the two approved RMB routes have started the gearing-up work for conversion to GMB route operations. The two routes are expected to commence service in March 2025.

The Government will continue to closely monitor the operation of PLB trade and maintain close communication with relevant stakeholders to explore more feasible measures to improve the operating environment of the trade.

LCQ1: Protecting rights and interests of spouses after marital breakdown

Following is a question by the Hon Nixie Lam and a reply by the Secretary for Home and Youth Affairs, Miss Alice Mak, in the Legislative Council today (February 19):

Question:

It has been reported that while quite a number of prospective couples have drawn up prenuptial agreements through lawyers to make advance arrangements for the distribution of property and protection of their rights and interests in the event of divorce, prenuptial agreements are not legally binding under the existing legislation. In this connection, will the Government inform this Council:

(1) whether it will consider enacting legislation to ascertain the legal effect of prenuptial agreements; if so, of the details; if not, the relevant legal considerations;

(2) whether it will, by drawing reference from the Civil Code of the People's Republic of China, categorise a person's property into prenuptial and postnuptial property, without converting prenuptial property into joint property between spouses as a result of marriage; if so, of the details; if not, the reasons for that; and

(3) as it is learnt that while quite a number of members of the public protect their interests in property in matrimonial causes through the trust services provided by banks and trust companies, some banks require their clients to have a minimum of US\$1 million in liquid assets or US\$3 million in non-liquid assets, and some trust companies' minimum asset requirements for their clients are also very high, whether the Government will consider taking measures to provide members of the public whose assets have not met the relevant thresholds with a similar asset protection mechanism, so as to further enhance Hong Kong's status as an international asset management centre?

Reply:

President,

When applying for a divorce, both parties to the marriage would normally apply to the court for the settlement of financial matters, such as the division of property and application for maintenance. According to existing legislation, the Matrimonial Proceedings and Property Ordinance (Cap 192) (the Ordinance) empowers the court to order either party to the marriage to

make to the other financial provision, or to make order for transfer of property, etc., when granting decree of divorce, decree of nullity of marriage or decree of judicial separation, or at any time thereafter.

In consultation with the Financial Services and Treasury Bureau and the Department of Justice, my reply, on behalf of the Government, to the question raised by the Hon Nixie Lam is as follows:

(1) According to section 7(1) of the Ordinance, the court shall have regard to the conduct of the parties to the marriage and all the circumstances of the case when dealing with matters in relation to financial provisions, transfer and sale of property, etc. The circumstances of the case include the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future; the age of each party to the marriage and the duration of the marriage; as well as the contributions made by each of the parties to the welfare of the family. As the circumstances of the parties to the marriage and family in each case vary, each application shall be handled according to the actual situation. Under the current law, the court has broad discretionary powers to enable it to properly deal with different situations and make fair arrangements for the division of property.

Although Hong Kong currently does not have relevant legal provisions made for prenuptial agreements, the court will, based on the circumstances of the case and the conduct of both parties, consider adopting some or all of the contents of the prenuptial agreement. With reference to local cases, the Court of Final Appeal also pointed out in its judgment that although a prenuptial agreement could not override the powers of the court to grant ancillary relief, it carries considerable weight in relation to the exercise of the court's discretion when granting such relief. If prenuptial agreement is made between a couple prior to their marriage as to the manner in which their financial affairs should be settled upon divorce, the court should give weight to such agreement where it was fair to do so. Conversely, mandatory enforcement of a prenuptial agreement may, due to the unique circumstances of individual cases, such as something unforeseen at the time of the agreement occurred after the marriage, result in an unfair division of property and harm the interests of one party. It can thus be seen that the current regime effectively ensures that the court can, after fully considering the contents of the prenuptial agreement and all other factors related to the division of property, make an arrangement for division of property which is the fairest for both parties to the marriage to safeguard their interests.

(2) For the second part of the question, the division and definition of matrimonial property and non-matrimonial property depend on the specific circumstances of each case. As I have just mentioned, the court will consider a basket of factors in determining the division of property when the parties to the marriage divorce. According to Section 7(1)(f) of the Ordinance and with reference to local cases, the contributions made by each party to the welfare of the family and the source of the assets are factors that the court would take into account when dealing with the division of property. In fact, in accordance with the principle of fairness, the court must also take into

account the financial needs of both parties and/or their children, as well as the standard of living they enjoyed before the divorce. Therefore, due to the uniqueness of each case, the court may not be able to deal with pre-marital property in a uniform approach. The division of property upon divorce involves various complex legal principles and issues, which must be considered comprehensively and carefully. We believe that the current arrangement is effective and will keep in view the relevant situation.

(3) Regarding trust companies, the Government is committed to promoting the industry to offer diversified products, with a view to better satisfying the market needs and facilitating the long-term healthy development of the sector. There is no uniform standard on the asset threshold for setting up a trust. Trust companies in the market formulate different asset thresholds based on their business models, types of trust solution, clients' need and their levels of risk exposure. Trust companies offer diversified products and professional services to clients with different asset scales, providing them with greater flexibility and more choices when conducting asset allocation.

The Hong Kong Monetary Authority (HKMA) regulates the trust business of banks, so as to enhance clients' confidence in entrusting assets to banks in Hong Kong. At present, the HKMA does not impose any regulatory requirements on the minimum asset thresholds for the provision of trust services to clients. Banks may decide the conditions applicable to the provision of trust services to their clients, taking into account their own specific circumstances, such as target clientele, operational costs, resource allocation and market demand, among other factors. Banks will review and adjust their trust business, with reference to market developments and their own business considerations. The HKMA will continue to keep in view market developments, and enhance the regulations on the trust business of banks as appropriate.

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Appointments to Hong Kong Tourism Board announced

The Government announced today (February 19) the appointment of Dr Peter Lam Kin-ngok to succeed Dr Pang Yiu-kai as Chairman of the Hong Kong Tourism Board (HKTB) from April 1, 2025, to March 31, 2028. Mr Jeffrey Lam Kin-fung, Ms Nikki Ng Mien-hua and Ms Melissa Kaye Pang are also appointed as new members of the HKTB from April 1, 2025, to March 31, 2027.

Commenting on the appointments, the Secretary for Culture, Sports and Tourism, Miss Rosanna Law, said, "Dr Peter Lam Kin-ngok, who served as Chairman of the HKTB before, possesses rich experience in promoting tourism development in Hong Kong. With his diverse experiences in business management and public services, along with a strong vision, Dr Lam is the best candidate to lead the HKTB and the tourism sector of Hong Kong to reach new heights. I am confident that under Dr Lam's leadership, the Board will advance further while promoting Hong Kong worldwide and showcasing its charms, so that visitors will indulge in pleasure when staying in Hong Kong, thinking about Hong Kong, and returning time and again. I also welcome Mr Jeffrey Lam Kin-fung, Ms Nikki Ng Mien-hua and Ms Melissa Kaye Pang to join the Board."

Miss Law expressed heartfelt gratitude to Dr Pang for his distinguished contributions to the HKTB. "With Dr Pang's foresight, seasoned business and management experiences, as well as an extensive business network, he has guided the HKTB with exemplary leadership in successfully overcoming various challenges during the pandemic and actively driving the recovery of Hong Kong tourism," Miss Law said.

A brief biographical note of Dr Lam is set out below:

Dr Lam is the Chairman of Lai Sun Group. He is currently the Chairman of the Hong Kong Trade Development Council and a member of the Advisory Committee on Attracting Strategic Enterprises, the Chief Executive's Council of Advisers, and the Trade and Industry Advisory Board.

Appointments to the HKTB are made by the Chief Secretary for Administration in exercise of the powers delegated to him by the Chief Executive and pursuant to section 9 of the Hong Kong Tourism Board Ordinance (Chapter 302).

The membership of the HKTB commencing April 1, 2025, will be as follows:

Dr Peter Lam Kin-ngok (Chairman)
Commissioner for Tourism (Deputy Chairman) with Deputy Commissioner for Tourism as alternate member
Mr Abraham Chan
Mr Dennis Chow Chi-in
Ms Margaret Fong Shun-man
Dr Allen Fung Yuk-lun
Mrs Gianna Hsu Wong Mei-lun
Ms Mary Huen Wai-yi
Mrs Ann Kung Yeung Yun-chi
Ms Rebecca Kwan Shuk-wah
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Ms Lavinia Lau Hoi-zee
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Mr Ricky Szeto Wing-fu
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Miss Law also thanked the outgoing member, Dr Lam Ho-yi, for her contributions to the work of the Board.

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