

## **Transport Department's approval of applications for residents' service Investigation Report**

Between May and July 2022, the residents of a housing estate ("the Estate") lodged a complaint with this office against the Transport Department ("TD").

### **The Complaint**

2. Allegedly, the Estate had applied to TD for operating two new residents' service ("RS") routes that would run separately between the Estate and Tuen Mun and Tsuen Wan. TD, however, rejected the applications on the grounds that the residents could use the existing regular public transport service heading for the Tuen Mun and Tsuen Wan districts. The complainant considered TD's decision unreasonable, stating that the existing public transport services were inadequate to meet the needs of the residents. Their grievances could be summarised as follows:

- (1) queried TD had not applied consistent criteria in assessing RS applications. The Department rejected their applications without considering the expectation of the Estate's residents arising from the fact that it had already approved RS for the housing estates in the vicinity with similar or even better public transport services. The complainants accused TD of disparity in treatment and failure to handle the applications of the Estate in a timely manner;
- (2) queried TD's site investigations might have been too sloppy to reflect the actual traffic condition;
- (3) dissatisfied that TD's consultation on bus route no. 61P was inadequate and deviated from normal approval procedures;
- (4) dissatisfied that TD permitted the operator of bus route no. 252 to adjust peak period headway from 8 minutes to 10 minutes, thereby reducing service frequency; and
- (5) queried TD might not have properly followed up on the residents' suggestions for improving the public transport service around the Estate, including cancelling the prohibited zone for red minibuses ("RMBs"), introducing 24-hour direct bus routes to and from Tsuen Wan and the urban areas; enhancing the existing bus and minibus services to and from Tuen Mun; re-routeing more bus routes to pass through the Estate; and providing more bus stops at the Estate, etc.

### **The Investigation**

3. Upon inquiry with TD, we decided to handle the complaint by way of full investigation. Having considered TD's reply on 13 December and all further information, we completed this investigation report.

## TD's Policies on RS

4. According to TD, the existing public transport system in Hong Kong is well developed and provides the public with a wide range of public transport services, including railway, bus, public light bus, non-franchised bus and taxi services. RS is a non-franchised bus service that mainly provides point-to-point transfer service for residential estates.

5. Under the current public transport policy, the railway forms the backbone of the public transport system. At locations without direct rail access, buses are the main mass carriers, followed by green minibuses ("GMBs"). RS provides supplementary transport services for designated residents groups (especially as feeders to the railway and main public transport interchanges) during peak periods and when the regular public transport modes cannot provide adequate service, with the aim of relieving passenger demand for public transport during the relevant periods. TD encourages members of the public to use existing public transport services for optimal utilisation of transport resources and avoiding duplication of resources, so as to alleviate traffic congestion and reduce street level air pollution.

## Procedures and Criteria for Approving RS Applications

6. Before submitting an RS application to TD, the applicant should first obtain the support from the residents' representative (such as the Owners' Corporation or management company of the housing estate concerned) for the service and the operation details. TD would then handle the RS application in accordance with established procedures and consider the application pursuant to Section 28 of the Road Traffic Ordinance.

7. The Working Group on Review of Regulation of Non-franchised Bus Operations ("the Working Group") of the Transport Advisory Committee had set out in its 2004 report a number of principles in processing RS applications. In October 2013 and October 2017, TD reviewed and updated the guidelines for processing new RS applications. The method of calculating the walking distance between the applicant housing estate and the nearby public transport facilities was quantified, and added factors of consideration for "above-benchmark" service (see **paragraph 9** below for details). Between those two reviews, the then Transport and Housing Bureau ("THB") had conducted a systemic review of the overall public transport services in Hong Kong. In its "Public Transport Strategy Study" report in June 2017, the Bureau indicated that TD could continue to process RS applications according to the following general principles.

8. The general principles for processing new applications and renewal applications for RS are:

- (1) the RS should facilitate commuters to connect to the nearby rail station

or public transport interchange to avoid adding congestion to busy urban districts;

- (2) the RS should not pose significant adverse impact on regular public transport services in the area concerned;
- (3) existing or planned public transport services in the area to be served by the proposed RS are inadequate or limited;
- (4) residential development served by the proposed residents' service is distant from rail station, public transport interchange or major franchised bus stop or GMB stop, and use of regular public transport services will result in excessive number of interchanges; and
- (5) the RS will not operate in congested areas or via local busy roads and will not cause traffic congestion.

### ***Other Factors to Consider in Processing Applications for New RS***

9. In 2017, TD reviewed the general principles in processing new RS applications and added the applicant's expectation as a factor for consideration. Even if the housing estate under application already has adequate regular public transport services, TD might approve "above-benchmark"<sup>1</sup> RS, taking into account the expectations of the applicant, if RS had already been approved for the neighbouring estates, provided that the new RS would not cause unnecessary traffic congestion and that residents who rely on regular public transport services in the area would not be affected by the reduction of regular public transport services as a result of the new RS

### ***Other Factors to Consider in Processing RS Renewal Applications***

10. In addition to the general principles set out in **paragraph 8**, TD would take into account the changes in both the level of regular public transport services and passenger demand for the existing RS when processing RS renewal applications. The existing RS can still be maintained, albeit improvement in regular public transport services, if the passenger demand remains stable.

### **Public Transport Service in So Kwun Wat**

11. The Estate is situated in the So Kwun Wat residential area, i.e. a number of private housing estates located on a section of So Kwun Wat Road east of Kwun Chui Road and along Kwun Chui Road. To dovetail with the completion of new infrastructure projects and the socio-economic development, and cater for the demand for transport services following flat intakes of public/private housing estates, TD would discuss with public transport operators (including buses and GMBs) plans for service

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<sup>1</sup> That is, the applicant housing estate is already being served by adequate public transport services.

enhancement and adjustment. Furthermore, the Traffic and Transport Committee of the Tuen Mun District Council would discuss from time to time the public transport services in the So Kwun Wat district, including two discussions on related issues in 2020.

12. Flat intakes of the housing estates in the So Kwun Wat residential area commenced in different years, TD has been progressively improving the public transport services in the district. For example, three morning peak-hour bus routes to Mong Kok, the Kowloon MTR station and Island east were introduced in 2017 and 2018. Other new bus routes were also introduced and services of existing routes strengthened. In sum, since 2017, in addition to the original bus and minibus routes (*viz.* bus route nos. K53, 252 and GMB route no. 43), TD together with the MTR Corporation and bus companies had strengthened their services for So Kwun Wat by introducing seven new routes, extending the services of five bus routes to the So Kwun Wat residential area, increasing service frequencies and extending bus operating hours to whole-day. Besides, TD and the bus company had made plans to divert route no. 252X to pass through So Kwun Wat during the afternoon peak hours. The arrangement would come into effect in the fourth quarter of 2022.

13. At present, there are altogether 14 franchised bus routes and one GMB route providing transport services to the So Kwun Wat residential area, namely:

- (1) Whole-day service: KMB route no. 252; MTR bus route nos. K51A and K53; Long Win Bus route no. A33 and New Territories GMB route no. 43K to and from the Tuen Mun Road bus interchange, Fu Tai Estate, Tuen Mun Station, the airport and the area around Ho Pong Street in Tuen Mun.
- (2) Peak-hour service: KMB route nos. 61P and 261X; Citybus route nos. 952C, 952P and 962 to and from Tsuen Wan, Fanling, Tai Koo/Quarry Bay and Causeway Bay; and KMB route nos. 52X, 252X and 261B to and from Mong Kok, Lam Tin and the Kowloon Station respectively.
- (3) Overnight service: Citybus route no. N952 to and from Causeway Bay; and KMB route no. N252 between Mei Foo and the So Kwun Wat residential area.

14. TD's investigations found that the bus and minibus routes that serve the So Kwun Wat district had an average occupancy rate between 8% to 64% during the peak hours, with the highest at 86%. The occupancy rates between the morning and evening peak hours ranged from 7% to 35%, with the highest at 58%. The service levels could meet passenger demand in general.

### **RS in the So Kwun Wat Residential Area and around Castle Peak Road**

15. Currently, RS of five housing estates in the So Kwun Wat residential area and

around Castle Peak Road had been approved. The service details and TD's justification for approval are tabulated below:

<b>RS</b>	<b>Year of Approval</b>	<b>Justification for approval</b>
Estate A (route to and from Tsuen Wan)	2011	At that time, the only public transport service available was between So Kwun Wat and Tuen Mun, including GMB route no. 43 and the MTR peak hour bus route no. K53. TD estimated that the passenger demand then did not justify new whole-day bus and minibus service, and the operators concerned had no plans to enhance service.
Estate B (routes to and from airport, Tsing Yi and Olympic Station)	2012	The public transport network around Castle Peak Road at that time was not complete, without any airport-bound bus routes, and bus service to urban districts was insufficient.
Estate C (route to and from Tuen Mun Station)	2018	The estate is built on hillside and traffic depends mainly on Tsing Ying Road, a dual two-lane carriageway with the only exit/entrance at its junction with Castle Peak Road. Since vehicles could not U turn at the other end, the estate was not served by public transport.
Estate D (route to and from Tuen Mun Station)	2018	Before flat intake, there were already three new bus routes with special frequencies to Kowloon and Hong Kong Island ( <i>viz.</i> 52X, 261B and 962E). Nevertheless, the estimated passenger demand of the population in the district was not big enough for route no. K53 to operate whole-day. Besides, the estate was relatively distant from the GMB route no. 43 bus stop and residents had to go up and down the slope.
Estate E (route to	2020	Part of the estate was built on a slope and the residents of certain blocks had to walk for 10 minutes up and down the

and from Tuen Mun station)		slope between the estate and the Siu Sau Sheung Tsuen bus stop on Castle Peak Road.
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16. With the development of the So Kwun Wat district, public transport service there had also improved. MTR bus route no. K53 now provides public transport service to and from the Tuen Mun district for all the housing estates above (except estates C and E), while KMB bus route no. 61P now provides public transport service to and from the Tsuen Wan district for all the housing estates above (except estate C). According to TD’s investigations, the services provided by these two routes were sufficient to meet passenger demand.

17. Renewal applications for existing RS would be processed and reviewed by TD in accordance with the criteria mentioned in **paragraphs 8 and 10**. TD would also conduct site investigations to gauge passenger demand. In addition to changes in the service level of regular public transport, any change in passenger demand for the RS in question would also be considered. If the demand remains stable, the RS could be maintained. While processing the latest renewal applications for the RS listed above, TD had cut the service of some routes in view of their low occupancy rates and asked the operator to review the service and reduce frequencies. Some operators indicated that the drop in passenger demand was attributable to the epidemic and TD’s investigation could not reflect the actual situation. TD had planned another review on the occupancy rates and service level of those routes when the epidemic subsided.

### **TD’s Overall Response and Comments on the Complainant’s Allegations**

#### ***Allegation (1): Unfair Processing Procedures and Delay in Processing the Application***

18. TD received the operator’s applications for RS to travel to and from the Tuen Mun MTR station (“Tuen Mun route”) and the Tsuen Wan west MTR station (“the Tsuen Wan route”) in July 2021 and January 2022 respectively. The applications were then processed against the criteria set out in **paragraphs 8 and 9** above, including the demand for the proposed RS, the level of services already available or being planned by other public transport operators, as well as the traffic condition of the district and roads in question.

#### Processing of the Tuen Mun Route

19. TD received the operator’s application for the Tuen Mun route on 5 July 2021. It conducted site investigations in September and October and found that the average occupancy rates of route no. K53 during the morning and afternoon peak periods were around 45% and 35%, and around 50% and 35% respectively. The findings reflected that the existing service could satisfy the additional passenger demand upon flats intake of the Estate. Furthermore, the MTR Corporation already had plans to strengthen the

service of route no. K53 starting from November 2021 by extending its service hours to between 6 am and 11 pm and the peak hour frequency be enhanced to an 8-15 minutes headway. Coverage of the Tuen Mun route would overlap with that of route no. K53, which was already operating at a higher frequency than the Tuen Mun route during peak hours, with plans of service enhancement in November 2021. To prevent duplication of resources, TD decided to reject the Tuen Mun route application and notified the applicant of the decision on 1 November.

20. Given the already heavy traffic at the Tuen Mun town centre near Tuen Mun Heung Sze Wui Road and Pui To Road, the proposed Tuen Mun route might add to the traffic burden in that area. Furthermore, the MTR Corporation had already planned to enhance the service of route no. K53 and introduce route no. K51A<sup>2</sup>. If the Tuen Mun route was approved, the decision to enhance service might be affected and the passengers en-route could not enjoy more frequent service and longer service hours as a result. Worse still, there might even be service reduction because the Estate's residents would choose to take the Tuen Mun route instead. In this light, TD considered that the "above benchmark" consideration factor for RS not applicable to the Tuen Mun route application.

#### Processing of the Tsuen Wan Route

21. TD had conducted site investigations upon receipt of the operator's application for the Tsuen Wan route on 20 January 2022. Nevertheless, frequencies of various modes of public transport had been affected by the epidemic situation at that time. TD, therefore, conducted another round of site investigation in April 2022 when the epidemic subsided.

22. TD pointed out that residents in So Kwun Wat heading for Tsuen Wan could make use of the interchange arrangements amongst the public transport networks. For example, they could take the KMB route no. 252 to the Tuen Mun Road bus interchange, then transfer to one of the nine bus routes<sup>3</sup> that pass through the Tsuen Wan district. According to TD's investigations in April 2022, route no. 252 recorded an occupancy rate of around 55% and 35% during the morning and afternoon peak hours respectively, reflecting an adequate service for the residents who need transfer service to the Tsuen Wan district. Furthermore, while TD was processing the Tsuen Wan route application, KMB already had plans to introduce route no. 61P<sup>4</sup> during peak hours, which would operate direct service between So Kwun Wat and Tsuen Wan along a route similar to the Tsuen Wan route under application. At a meeting with the Legislative Council member Michael Tien Pauk Sun and the Estate's residents on 23 April 2022<sup>5</sup>, TD already mentioned the plan to introduce bus route no. 61P to the attendees.

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<sup>2</sup> The MTR route no. K51A, travelling between So Kwun Wat and Fu Tai, Tuen Mun, commenced operation on 29 August 2022.

<sup>3</sup> KMB bus routes nos. 53, 57M, 58M, 59M, 60M, 61M, 66M, 67M and 68A.

<sup>4</sup> Bus route nos. 61P had commenced operation on 4 July 2022.

<sup>5</sup> Owing to the epidemic, the meeting on 26 March was postponed to 23 April.

23. While data collection by TD had been affected by the fifth wave of the epidemic, the Department had processed the Tsuen Wan route application in accordance with established procedures in a timely fashion. Having considered that both transfer and direct bus services to Tsuen Wan were available, TD rejected the Tsuen Wan route application in writing on 5 July 2022.

24. TD explained that in processing the Tsuen Wan route application, it had taken into account the fact that approval of the Tsuen Wan Line would affect the decision of KMB to operate route no. 61P and enhance the frequencies of route no. 252. This would in turn lead to reduction in route choices during peak hours for residents in So Kwun Wat and Siu Lam who need to go to and from the bus interchanges, Tsuen Wan west and the Tsuen Wan MTR station. Residents would not be able to enjoy more frequent bus services to and from the bus interchanges, and service might even be reduced, affecting those who rely on regular public transport services. In this light, TD opined that the “above benchmark” consideration factor for RS not applicable to the Tsuen Wan route application.

25. TD pointed out that it would have adverse impact on road traffic if large-scale public transport services (such as bus and green minibus services) with a high patronage and a wider catchment area were abandoned and individual residential bus services with a lower patronage but still occupying a considerable amount of road space were allowed to be used by individual housing estates without restraint. If the majority of transport services are provided by RS and most passengers choose RS, it may be difficult for the public transport service operators to break even, and they may not be able to introduce new routes or enhance the service level of existing routes, or may even have to reduce services, which would affect the overall public transport services in the area.

26. In sum, TD had processed the RS applications of the Estate in accordance with established policies and approval procedures. Each RS application would be assessed on its own merits having regard to the geographical environment of individual housing estates, travel patterns of the residents concerned and the existing public transport services and those under planning. Given the diverse geographical locations of different housing estates and the accessibility of different modes of public transport available to the residents, TD considered it inappropriate to directly compare RS applications of different housing estates.

### ***Allegation (2): Sloppy Site Investigations***

27. TD would refrain from conducting investigations on days immediately before or after a holiday or when the epidemic was rampant. Site investigations were usually conducted on weekdays with a view to understanding the residents’ travel needs under normal circumstances and monitoring the public transport operators’ compliance with service schedules. In general, the method of investigation depends on the subject matter under study and the sort of data to be collected (say, the supply of public transport services, regularity of service frequencies or passenger demand). For instance, TD may



deploy staff to conduct spot surveys at bus termini or en-route stops to record times of arrival of the public transport vehicles, number of passengers on board upon arrival and departure, number of passengers alighting and boarding the vehicles at those stops, and whether there are passengers unable to board a vehicle, etc. TD may also conduct on-board investigations to record the vehicle arrival time at various stops and how passengers along the route alight/board the vehicles, etc. in order to analyse passenger demand at various stops.

28. With regard to the RS applications in question, TD had conducted site investigations against routes nos. K53, 252 and 61P. Given that the Kwun Tsui Road roundabout bus stop (“the Roundabout bus stop”) on west-bound So Kwun Wat Road is the last stop within the So Kwun Wat residential area, TD would normally deploy staff to carry out spot surveys at that bus stop for observing passenger demand there and monitoring whether the vehicles still have spare capacity to take up more passengers upon leaving the area. TD staff had conducted investigations at the Roundabout bus stop against route nos. K53 and 252 at different time periods in September and October 2021 and April and June 2022, and found a drop in both the maximum and average occupancy rates of these two routes after frequency enhancement<sup>6</sup>. The survey in June 2022 showed that the maximum and average occupancy rates of route nos. K53 and 252 were 50% and 35%, and 55% and 40% respectively, reflecting adequate service levels to satisfy passenger demand. In addition, the on-board surveys conducted in July 2022 against route no. 61P found that its average occupancy rates during the morning and afternoon peak hours were around 20% to 30%; most passengers (around 35% of all passengers) boarded the bus at the So Kwun Wat bus stop, i.e. the bus terminus at the So Kwun Wat end of the route; and passengers who alighted at the bus interchange and in the Tsuen Wan district accounted for about 45% to 55% of the total number of passengers. The survey results confirmed that route no. 61P could meet passenger demand and had played an effective role in relieving the demand for route no. 252 in taking passengers to the bus interchange.

### ***Allegation (3): Inadequate Consultation for Route No. 61P Service***

29. Normally, upon receiving the views collected by the local District Office (“DO”) on the introduction of new public transport service, TD would collate and compile the views and take follow-up actions accordingly. If it is confirmed that the operator can provide adequate and efficient services, TD would issue a written reply to those in the district concerned via the DO.

30. On the proposal to introduce route no. 61P, TD had conducted local consultation exercises via the Tuen Mun DO and the Tsuen Wan DO on 23 May 2022 to consult the local communities along the route (including the housing estates in the

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<sup>6</sup> Route no. K53 enhanced frequencies since November 2021 by strengthening departures to 8-15 minutes headway (peak hours) and 20-30 minutes headway (off peak hours). Route no. 252 enhanced frequencies since June 2021 by strengthening departures to 10-15 minutes headway (peak hours on weekdays), 15-20 minutes headway (off peak hours on weekdays), and 12-20 minutes headway (other periods).

So Kwun Wat district). TD had also asked the DOs to follow established practice and give a consultation period of not shorter than two weeks for the local communities to voice their views. The Tuen Mun DO and the Tsuen Wan DO then referred the views collected to TD on 14 and 23 June respectively. Most of the respondents (including the Estate) expressed support for the route. TD then responded to the local views in its reply of 29 June and announced that route no. 61P would be introduced on 4 July. TD considered that proper consultation period had been given before introducing the route and comprehensive replies had been issued to various members of the local community.

***Allegation (4): Improper Frequency Reduction for Route No. 252***

31. As far as TD understood, in May 2022, KMB had explored the feasibility of enhancing the frequency of route no. 252 by strengthening the 12-minute headway to 8-10 minute headway during the morning peak period (i.e. between 7:30 and 8:30 am) on a trial basis for gauging passenger demand. After the trial, KMB considered a 10-minute headway sufficient to meet the demand of the So Kwun Wat district residents. It then submitted a formal application to TD for adjusting the headway from 12 minutes to 10 minutes during the said period. The adjusted frequencies came into effect on 6 June 2022.

32. TD considered that KMB had failed to explain to the passengers the details of the trial arrangement, such that the latter misunderstood that the increased frequencies were a regular arrangement. The Department had urged KMB to review and improve to prevent recurrence.

***Allegation (5): Failure to Follow up on Residents' Suggestions***

33. Upon receipt of opinions and suggestions on public transport services from the public, TD would assess whether the present level of service in the district concerned is adequate, whether the operators have plans to enhance existing services or introduce new service, whether transfer arrangements are proper and convenient, etc. Where necessary, TD would conduct site or on-board investigations, scrutinise the operation records and investigation reports of the operators with a view to understanding actual passenger demand and assessing the change in passenger demand during different periods of the day. If a suggestion by the public is deemed reasonable and feasible, TD would discuss the introduction of new service and adjustment of existing service with the public transport operator. The Department would continue to monitor the demand for public transport in the So Kwun Wat district and discuss with the operators constantly on service enhancement of the various routes following flat intakes of new residential developments.

**On the Suggestion of Arranging for More Franchised Bus Routes to Pass Through the Estate and Installing More Bus Stops**

34. At present, all franchised bus routes heading for Castle Peak Road would run

along So Kwun Wat Road. There are bus stops at 88 So Kwun Wat Road, outside the Avignon and next to the Kwun Tsui Road roundabout. The Estate is just three minutes' walk from the en-route bus stop at 88 So Kwun Wat Road where residents can access to various franchised bus routes. To tie in with the flat intake of the Estate, TD had added one bus stop at 18 Kwun Tsui Road on 27 February 2022 and route no. K53 had been rerouted to pass through Kwun Tsui Road for the residents' convenience. That bus stop is 1.5 minutes' walk from the main gate of the Estate.

35. In response to the request of the Estate's residents, TD was exploring the feasibility of rerouting more franchised bus routes to pass through Kwun Tsui Road, taking into consideration a host of factors such as whether there was enough queueing space at the bus stop and Kwun Tsui Road's capacity for more buses. Due to the limited width of the pavement at Kwun Tsui Road, it might not be possible to accommodate passenger queues for too many bus routes at the same time. If more bus routes were to pass through Kwun Tsui Road and an additional bus stop was to be set up, passengers using the bus stop outside the Avignon and the traffic flow might be affected. Besides, the housing estate currently under construction at 18 Kwun Tsui Road would start flat intake in 2023; by then, more residents would be using the bus stop.

36. TD was studying the suggestion carefully. Initial assessment found the impact on pedestrian flow and traffic condition to be acceptable if route no. 61P was to pass through Kwun Tsui Road, as the Estate's residents had suggested. The Department would conduct a consultation on the suggestion and follow up on the matter depending on the result of the consultation.

#### On the Suggestion of Cancelling the Prohibited Zone for RMBs

37. On the suggestion of allowing RMBs to use So Kwun Wat Road, TD had to take into account a number of factors, including the RMB policies, actual demand and the impact on other public transport services and road surface condition, etc. In light of the congested traffic in Hong Kong and the policy of encouraging RMBs to convert to GMBs, the Government had since the 1970s imposed operational restrictions on RMBs to require them to operate in existing service districts only and prohibit them from entering new towns or new development areas or using expressways. Having examined the condition within the So Kwun Wat district, TD opined that the several public transport modes already operating there could meet passenger demands. As such, there was insufficient grounds to open the said road section to RMBs.

#### On the Suggestion of Enhancing the Public Transport Services within the So Kwun Wat District (including introducing whole-day new bus routes to and from Tsuen Wan and urban areas, as well as enhancing services to and from Tuen Mun)

38. The present population of So Kwun Wat is estimated to be around 12,000. As mentioned in **paragraphs 11 to 13**, there are already four whole-day bus routes to and from the Tuen Mun Station, Siu Hong Station, the bus interchange and the airport,

as well as one whole-day GMB route to and from Tuen Mun. Besides, eight bus routes operate to and from various districts during peak hours and two overnight routes to and from Mei Foo and the Hong Kong Island. The current public transport service network and the service level within the So Kwun Wat district can cater for the commuters' needs.

39. On the suggestion to introduce a whole-day route to and from the Tsuen Wan district, TD indicated that at present, residents could take route no. 61P to and from Tsuen Wan during peak hours. According to the on-board surveys conducted by TD in July 2022, the maximum and average occupancy rates of the route were about 30% and 25% respectively. During off-peak hours, the residents could make use of the existing public transport network and take route no. 252 to the bus interchange, then choose one of the nine Tsuen Wan-bound bus routes. Should there be a continuous increase in the occupancy rate of route no. 61P or other routes heading for the urban area, reflecting thereby a passenger demand for the service, TD and the bus company would step up the service accordingly, or even enhance the route to provide whole-day service.

40. On the suggestion of enhancing bus service to and from Tuen Mun, TD pointed out that the district is being served by MTR bus routes nos. K51A and K53, as well as GMB route no. 43. Buses of these routes travel to and from Tuen Mun down town and around the MTR station, with headways at 30, 8-20 and 8-10 minutes respectively. The present data indicate that the peak hour occupancy rates of route no. K53 and GMB route no. 43 are about 35% and 65% respectively. The service levels can satisfy passenger needs.

41. In view of the growing population in the So Kwun Wat district, TD had been enhancing the service levels of the various modes of public transport within the So Kwun Wat district, and keeping a close watch with the operators on the changes in passenger demand for different routes. Where warranted, services would be strengthened to cater for the travel needs of the residents in the district.

## **Our Comments**

### ***Allegation (1)***

42. TD had explained that under the current transport policy, regular public transport plays a primary role while RS provides supplementary services (see **paragraphs 4 and 5**). Hong Kong has a dense population but limited road resources, we consider it reasonable of TD to put mass public transport services at the core. TD had been closely monitoring the traffic condition around So Kwun Wat and engaged in discussions with the public transport operators in planning gradual enhancement of services in view of the completion of new residential developments and increased population in the district. In the process, TD had conducted local consultations via the local DOs and carried out site investigations to understand the residents' demand for transport services.

43. Regarding the RS applications in question, TD had explained in **paragraphs 18 to 25** how they had been handled and indicated that more time was needed because the timing for conducting site investigations had been affected by the epidemic. TD had rejected the applications for the Tuen Mun route and the Tsuen Wan route mainly because there were already or there would be direct or transfer public transport services to and from the proposed destinations. Besides, other residents who relied on regular public transport services might be adversely affected by the proposed RS. TD's site investigations had confirmed that the existing public transport services could satisfy the residents' needs. The Department's judgement on whether the transport services are sufficient and the impact of introducing new RS or renewing specific RS routes on road networks involves TD's professional judgement, which is not an administrative matter for this Office to comment.

44. With regards to approval criteria, in considering applications for new RS, TD would factor in the regular public transport services already in operation as well as the public transport services under planning by the operators. For instance, the Tuen Mun route application was rejected (see **paragraphs 19 and 20**) because the route would affect MTR's plan to enhance the service level of route no. K53 and introduce route no. K51A. Likewise, application for the Tsuen Wan route was rejected because the route would impact on KMB's plan to introduce route no. 61P and strengthen the frequencies of route no. 252 (see **paragraph 24**). To prevent residents in the same district from being denied bus services with higher frequency and longer service hours, TD had rejected the applications for new RS from the housing estates concerned from a holistic perspective.

45. Conversely, unlike applications for new RS, renewal applications for existing RS would be assessed by TD taking into consideration passengers' demand for the service in question. Even if there has been improvement in the regular public transport service, a renewal application might still be approved so long as there is no change in passenger demand (see **paragraph 10**). The approval criteria are undoubtedly more lenient. In processing the latest RS renewal applications in the same district, TD agreed to conduct a review in response to the operators' feedback, although an investigation had revealed rather low occupancy rates of some routes. While we understand that the epidemic had affected the residents' demand for transport, the situation inevitably gives the impression that the Department is biased and could easily invite complaints.

46. With the development of public transport services in So Kwun Wat (especially after service enhancement of route no. K53 and introduction of route no. 61P), travelling to and from Tuen Mun and Tsuen Wan had become easier. According to TD's criteria for assessing RS renewal applications, however, those estates within the district that benefit from such enhanced services would still be permitted to operate RS whose routes overlap those of the public transport. On the contrary, RS applications of new housing estates (such as the Estate) would be rejected because of overlapping routes. The discontent of the residents of new estates was understandable.

47. As the authority for traffic planning, TD should put the overall traffic and transport condition as the primary factor of consideration. As pointed out by the Department, if the individual RS of different housing estates with lower capacity, and yet taking up considerable road surface, are approved in an unrestrained manner, road traffic would be adversely affected. Public transport operators may have difficulties to break even and may not be able to introduce new routes or enhance existing services, which will definitely affect the overall public transport service in the district (see **paragraph 25**). We consider this principle applicable to approval of RS renewal applications as well. Nevertheless, the other factors of consideration in approving renewal applications seem to reflect that the needs of the residents of the existing RS to override the consideration for optimal use of road resources.

48. Based on the above analysis, this Office is of the view that TD had processed the RS application of the Estate in accordance with established procedures and in a timely manner. Yet, there are discrepancies in its criteria for assessing new RS applications and RS renewal applications, which are not in line with its “regular public transport comes first” transport policy. As TD pointed out, Hong Kong’s public transport system is well-developed and provides multi-modal public transport services to the public (see **paragraph 4**), and public transport services in the So Kwun Wat district have already improved (see **paragraphs 12 and 16**). We consider that TD should review with the stakeholders the criteria for assessing RS renewal applications and new RS applications with a view to improving the present arrangement. Overall, TD had assessed the applications in question in accordance with the current criteria, which, however, have ample room for review and improvement. As such, we consider **Allegation (1) partially substantiated**.

#### *Allegation (2)*

49. TD already elaborated in **paragraphs 27 to 28** above the methodology of site investigations and the relevant investigation results, and explained the justification for conducting site investigations at different time periods of the day and spot-surveys at the en-route Roundabout bus stop. We must point out that how, when and where TD conducts site investigations and collects data involves the Department’s professional judgement in performing its duties. Having carefully examined the explanation, data and information provided by TD, we consider that there is no evidence of maladministration with respect to the site investigations conducted by TD. **Allegation (2)** is, therefore, **unsubstantiated**.

#### *Allegation (3)*

50. TD already explained in **paragraphs 29 and 30** that it had followed established procedures to consult the local communities along the route via the local DOs and responded to their views afterwards. At present, we find no evidence of

impropriety in TD's consultation process concerning the introduction of route no. 61P. **Allegation (3)** is, therefore, **unsubstantiated**.

#### *Allegation (4)*

51. TD had clarified that it had not approved service reduction of route no. 252. It had already asked the operator to improve communication with the passengers. We consider **Allegation (4)** **unsubstantiated**.

#### *Allegation (5)*

52. We understand that the residents of the Estate expected that the public transport condition around the Estate could be further improved, and suggested that TD add bus stops, cancel the prohibited zone for RMBs and strengthen cross-district bus services. TD had responded to the applicant's suggestions one by one in **paragraphs 33 to 40 above**. Assessment of the feasibility of the public's suggestions involves TD's professional judgement. From an administrative perspective, the Department had handled the suggestions of the Estate's residents in accordance with established procedures. As we found no evidence of maladministration, **Allegation (5)** is **unsubstantiated**.

### **Recommendations**

53. In the light of **paragraphs 42 to 48**, we recommend that TD review the criteria for assessing new RS applications and RS renewal applications together with the stakeholders.

### **TD's Comments**

54. TD had given its views on the content and our comments in the draft investigation report. Upon consideration, we have incorporated some of its views in this report.

55. TD accepted our recommendation as set out in **paragraph 53**.

56. Regarding **paragraphs 42 to 48**, TD indicated that since the Working Group report in 2004, it had reviewed the relevant policies and guidelines thrice. Based on THB's affirmation in its 2017 study report of TD's policy principles in processing applications for introducing non-franchised bus service, TD had updated the approval guidelines. Furthermore, TD had been updating from time to time the criteria for approving RS applications in accordance with the policy principles, and had assessed each new RS application and RS renewal application in accordance with the guidelines.

## Final Remarks

57. We are glad that TD had accepted our recommendation, as set out in **paragraph 55**.

58. TD argued that it had handled RS applications in accordance with the policy principles (see **paragraph 56**). We notice that THB's 2017 study report had clearly expounded the philosophy of the overall public transport policy and RS approval, which was in line with the description in **paragraphs 5 and 25**. The spirit is that regular public transport services should be the backbone of the transport system, with RS playing a supplementary role. In this light, TD has to consider RS applications in a prudent manner lest regular public transport services be affected and optimal utilisation of public roads undermined. Nevertheless, in contrast to the above policy, the Department currently adopts a more relaxed criteria for approving applications for the renewal of RS in accordance with its existing guidelines, giving priority to the needs of passengers currently enjoying RS (see **paragraph 45**). We consider this to have deviated from THB's philosophy.

59. Having considered TD's comments, we maintain our comments and recommendation as set out in **paragraphs 42 to 48** and in **paragraph 53**.

**Office of The Ombudsman**  
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