

(English Translation)

Our Ref. : TD PV41/150/16
Tel. No. : 2804 2563
Fax No. : 2865 1227

16 July 2021

To: All School Principals/Supervisors

Dear Sir/Madam,

Student Service Vehicles

I write to invite your attention to matters concerning the student service vehicles.

Student service is for carriage of students and staff of an educational institution to and / or from the educational institution. According to the existing regulatory framework, the Requirements for Provision of Student Service including-

1. Public bus operators shall have valid Passenger Service Licences (PSLs) and their vehicles shall have valid Passenger Service Licence Certificates (PSLCs) with endorsements for student service (A03). School private light bus operators shall have valid PSLs.
2. For school private light bus (commonly known as “nanny van” with passenger seating capacity of 19 or less) providing student service, **school endorsement and prior approval from Transport Department should be obtained for each served school.**
3. If a student service vehicle is found to have provided unauthorised services, TD may conduct an inquiry against the licence holder concerned under the Road Traffic Ordinance (Cap 374 of the Laws of Hong Kong). Once the inquiry has established that the licensee has violated the PSL conditions, the Commissioner of Transport may suspend, cancel or vary the PSL concerned.

Non-franchised buses (NFBs) and school private light buses (SPLB) play an important role in providing the transport services for students. In the past years, there has always been an upsurge of applications for student services from NFB / SPLB operators during the summer months. We expect no exception this year. Before the start of the next academic year, I would like to appeal for your early engagement of operators for providing student service for your school where necessary. Your particular attention is drawn to the implementation of the tightened measures on the vetting of applications for providing NFB services.

In response to the concerns among the public transport trades on the supply and demand of NFBs and the operation of unauthorised NFB services by certain individual operators, the Government invited the Transport Advisory Committee to review the regulatory framework and licensing system of NFBs which was completed in July 2004. After consulting the relevant trades and organisations as well

as the Legislative Council Panel on Transport, the Government has implemented a series of improvement measures in April 2005.

The package of measures includes, amongst others, new measures on vetting of applications for providing NFB services and coordination of change in NFB fleet. Any applicant for new Passenger Service Licence (PSL), additional service endorsement and/or additional bus for providing NFB services including student service are required to provide justifications and relevant supporting documents (such as service contract with duration of six months or above) to substantiate the genuine long term need for the proposed student service. Besides, any applicant who intends to purchase additional vehicles which will entail a net increase in the existing NFB fleet to meet service demand would be required to source vehicles from the existing NFB fleet for a period of six months in the first instance to ensure better utilization of the existing fleet. Please note that the requirement for sourcing vehicles from the existing NFB fleet does not necessarily mean that there will be a drop in the quality of the service delivered to your students. Upon sourcing vehicles from the existing NFB fleet, the NFB operators may opt to replace them with new ones subject to their own operational need.

In this connection, we would like to appeal for your support in the following aspects:

- To arrange for early selection of operators of student service vehicles so as to identify suitable prospective operators with adequate number of student service vehicles to provide service for the students of your school. If the prospective operators are not existing non-franchised public bus operators, they may need more time to source vehicle(s) from the existing NFB fleet and hence they are required to kick start the application procedures earlier; otherwise it is possible that they may not be able to obtain the PSL before the commencement of the next academic year. New SPLB operators also need to start application process earlier. You are therefore advised to prepare a contingency transport plan to cater for the situation likely taken place.
- To consider appointing existing operators of student service vehicles with sufficient vehicles to provide student service for your school in the coming academic year as far as possible. If the existing non-franchised public bus operators do not have sufficient vehicles to meet the demand of students of your school, it is very likely that the operators have to sub-contract the services to other existing operators or to purchase existing vehicles from the market. If so, you are advised to reach an agreement with the concerned operators in this regard as soon as possible. Otherwise, it is possible that the selected operators may not have adequate number of vehicles to provide the service in the coming academic year.
- To provide the prospective operators with all necessary and required supporting documents, such as service contract signed between the school and the operators or support letter confirming the engagement of the operators for provision of student service, so as to facilitate the processing of their applications. In the cases where SPLB operators

are applying for extension of their PSLs or change of approved school(s) being served, the operators' self-declaration of the student service with parents' confirmation of the students to be served is also accepted as supporting document.

To facilitate you to have a better understanding of the above subject matter, you are invited to read the "Brief Notes for Student Service Vehicles" at [Annex A](#).

In addition, to allow greater flexibility for non-franchised public bus operators in deploying vehicles for provision of student service, the Transport Department put forward in July 2012 a new measure that upon request by the operator, student service endorsement would be granted to all eligible non-franchised public buses for serving as spare vehicles so as to meet the operational need and public demand. All non-franchised public bus operators were notified in writing of the application procedures.

Please also note that according to the Road Traffic (Construction and Maintenance of Vehicles) Regulations, to further enhance the safety of passengers, every student service vehicle registered on or after 1 May 2009 shall be required to be fitted with safer seats. For details, you are invited to read the "Requirements for Passenger Seats in Student Service Vehicles" at [Annex B](#). In addition, Transport Department encourages the trade to install seat belts on all rear seats on procuring new student service vehicles. Seat belts on passenger seats should observe the lap-belt requirements of Part I of Schedule 2 of Road Traffic (Safety Equipment) Regulations (Cap. 374F).

To facilitate schools to invite tenders for school bus service, we have invited all operators of SPLBs and non-franchised public buses eligible for providing student service to give consent for release of their contact information to all schools/registered education institutions for reference. The lists of operators who have given consent for us to release their contact information for the above-mentioned purpose are at [Annex C \(non-franchised public bus operators\)](#) and [Annex D \(SPLB operators\)](#). Please be reminded that the lists only contain information provided by the concerned operators and are by no means exhaustive. **All the information provided are for reference only.** Persons intending to use the information are responsible for making your own assessment of the information provided and shall verify the information through direct contact with the operators (for example, their service area, whether their vehicles hold a valid PSL to provide student service for the next academic year, etc.).

If you have any enquiry regarding the above, you are welcome to contact the Public Vehicles Unit at 2804 2574 (for non-franchised public bus matters) or 2804 2263 (for school private light bus matters).

Yours faithfully,



(Russell TANG)
for Commissioner for Transport

Encl.

c.c. All non-franchised public bus and school private light bus operators (excluding Annexes C & D

(English Translation)

Briefing Notes on Student Service Vehicles**Requirements for Provision of Student Service**

4. Public bus operators shall have valid Passenger Service Licences (PSLs) and their vehicles shall have valid Passenger Service Licence Certificates (PSLCs) with endorsements for student service (A03). School private light bus operators shall have valid PSLs. Student service is for carriage of students and staff of an educational institution to and / or from the educational institution.
5. For school private light bus (commonly known as “nanny van” with passenger seating capacity of 19 or less) providing student service, school endorsement and prior approval from Transport Department should be obtained for each served school.
6. Non-franchised buses and school private light buses providing student service for primary school or kindergarten students are required to provide escort on board while in operation. The definition and role of an escort are as follows:
 - should be an adult who has attained the age of 21 years and has good physique;
 - should ensure that each student be allocated a seat on a school bus according to the capacity permitted by law;
 - should ensure that students board and alight from a school bus properly only after the bus has come to a complete standstill;
 - should escort students during the journey and ensure that the doors of the school bus are properly closed;
 - should ensure that no student is missing and students reach schools safely and are collected by their parents / guardians on their homeward journey; and
 - should enforce discipline of students travelling on school transport vehicles and help students to keep calm to avoid unnecessary panic in case of emergency.
7. According to the “Road Traffic (Construction and Maintenance of Vehicles) Regulations” (Cap. 374A), every student service vehicle registered on or after 1 May 2009 shall be required to be fitted with safer seats to further enhance the safety of passengers.

Pool of Student Service Vehicles

8. There are at present around vehicles in the market with relevant licences eligible to provide student service. There is no need for the operators of these vehicles to apply to Transport Department for provision of student services.

<u>Types</u>	<u>No. of buses as at 30.6.2021</u>
- Non-franchised public bus with student service (A03) endorsement (passenger seating capacity of 20 or more)	3,231
- School private light bus (passenger seating capacity between 8 and 19)	2,165

<u>Types</u>	<u>No. of buses as at 30.6.2021</u>
- Private bus with student service (B01) endorsement (passenger seating capacity of 20 or more)	127
9. There is another pool of more than non-franchised public buses in the market which do not have endorsement for student service. Operators of these buses need to apply to Transport Department for the relevant endorsement if they intend to provide student service.	

Existing Policy for Regulating the Service of Non-franchised Public Buses

10. In view of the over-supply of non-franchised public buses in the market, any new supply, whether it is existing operators applying for additional vehicles or new operators applying for new PSLs and associated vehicles, would be processed in a very cautious and stringent manner to ensure that there are full justifications for the additional requirement. Besides, these applicants are required to source vehicles from the existing NFB fleet for a period of 6 months in the first instance. As a result, the processing time for applications involving additional vehicles to the existing NFB fleet would be longer, and those failing to provide justifications would be rejected.
11. In the light of the above, schools are encouraged to appoint existing NFB operators having **sufficient vehicles** to provide student service as far as possible. To allow greater flexibility for non-franchised public bus operators in deploying vehicles for provision of student service, the Transport Department put forward in July 2012 a new measure that upon request by the operators, student service endorsement would be granted to all eligible non-franchised public bus for serving as spare vehicles so as to meet the operational need and public demand. All PSL holders were notified in writing of the application procedures.

Early Submission of Applications Related to Student Service Vehicles During Summer Months

12. In the past few years, hundreds of applications relating to student service vehicles were received during the months from May to August. In view of the above measures, any application for new Passenger Service Licence and associated vehicles, and application for additional vehicles from existing operators will require much more time to process. There is a need for early submission of applications by operators, otherwise processing of these applications may not be completed before the commencement of new academic year.
13. Application forms for passenger service licence may be obtained at the website of Transport Department as follows:

http://www.td.gov.hk/en/public_forms/td_forms/public_vehicles/index.html

Guidelines for Ensuring Safety of Pupils on Student Service Vehicles

14. For details of the *Guidelines for Ensuring Safety of Students on Student Service Vehicles*, you may refer to the following link at the website of Education Bureau:

(English)
<http://www.edb.gov.hk/en/student-parents/safety/sch-bus-services/index.html>
(Traditional Chinese)
<http://www.edb.gov.hk/tc/student-parents/safety/sch-bus-services/index.html>
15. As stipulated in the PSL conditions, student service vehicles for kindergarten or primary students shall be subject to the provision of escort while the service is in operation. In recent years, various kinds of extra-curricular activities have been organized by schools keeping the students at school after normal school time. As a result, students would be on their way home at irregular time slots

and student service vehicles need to pick up students various times which causes difficulties in deploying escort for every trip. In this light, schools and parent-teacher associations should work in collaboration with operators to agree on several fixed time slots for picking up students. This would not only facilitate operators to comply with the PSL conditions on provision of escort, but also ensure student safety while riding on student service vehicles.

16. It is stipulated in existing legislation and licensing conditions applicable to non-franchised buses and private light buses providing student service that, student service vehicles shall be marked plainly on the bodywork of the vehicle with the number of passengers for whom seats are provided. Details are summarized as follows:
- Every **bus** shall be marked plainly and correctly in English and Chinese writing of uniform size, not less than 10 millimetres in height **inside the compartment and outside the bus at the rear or on the near side**, with the number of passengers for whom seats are provided [Regulation 48 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A)]; and
 - Every **school private light bus** shall be plainly and correctly marked in English and Chinese writing of uniform size not less than 100 millimetres in height, **on the outside of the vehicle on both the near and off sides**, with the number of passengers for whom seats are provided [Regulation 49 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A)].

Any person who drives a vehicle carrying passengers in excess of the number specified in the registration document of that vehicle shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and imprisonment of three months, and on a second or subsequent conviction to a fine of \$10,000 and imprisonment for six months. To meet the demand for student transport services as far as possible and to better utilise existing fleet resources, a child under the age of 3 years shall not be counted, and 3 children aged 3 years or above but each not exceeding 1.3 metres in height shall be counted as 2 persons for the purpose of establishing the number of persons that may be carried in a vehicle [Regulation 53(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374G)]. Nevertheless, it is stipulated in Regulation 53(2) of the same Regulations that drivers must ensure that all passengers are seated in a properly constructed seat secured to the bodywork of the vehicle. Moreover, the *Guidelines for Ensuring Safety of Students on Student Service Vehicles* published annually by the Transport Department remind operators to obtain prior consent from schools or parents / guardians before exercising flexibility given by law in arranging their student transport services.

17. For those additional passenger seats provided by operators in the student service vehicles without permission from the Transport Department, such as movable seats or temporary seats built with wooden planks or large tool boxes beside the driver cabin or at the rear compartment, they are structurally unsafe and students may easily fall down from them and sustain injuries. Moreover, the operators concerned shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and imprisonment for six months. Furthermore, overloading can bring about grave consequences. It may lead to mechanical failure and loss of control of the vehicles and cause traffic accidents.

Transport Department
(Revised in July 2021)

(English Translation)
**Requirements for Passenger Seats in Student Service Vehicles
(Generally Known as “Safer Seats”)**

According to the “Road Traffic (Construction and Maintenance of Vehicles) Regulations” (Cap. 374A), every student service vehicle registered *on or after 1 May 2009* shall be required to be fitted with “safer seats”.

Safer seats are strong and closely spaced, with high and energy-absorbing backs, which can reduce the risk of students being thrown out of their seats and reduce the degree of injury in case of collisions. Overseas research proves that the use of safer seats is effective in protecting students on student service vehicles. Compared with seat belts, safer seats offer protection to passengers without requiring any action, thus they are suitable to be used on student service vehicles.

Definition of Student Service Vehicles

- (1) a public bus authorized for providing student service (**A03**) as specified in s.4(3)(d) of the “Public Bus Ordinance” (Cap. 230);
- (2) a private bus authorized for providing student service (**B01**) as specified in s.27(5)(a) of the “Road Traffic Ordinance” (Cap. 374); and
- (3) a school private light bus.

Standards of the Passenger Seats

- seats, barriers and their anchorage shall conform to the requirements of any specification or standard specified in the legislation;
- seat backs, barriers and controlled surface shall be made of impact energy absorption material that conforms to the requirements of any specification or standards specified in the legislation;
- no folding table or folding accessories shall be installed on any controlled surface;
- seats and restraining barriers shall be made of fire resistant material that conforms to the requirements of any specification or standard specified in the legislation;
- every seat shall be forward-facing; and
- space of the passenger seat and the height of seat back shall meet the requirement specified in the legislation.

Notes to Applicants for Provision of Student Service

- Any student service vehicle which is registered on or after 1 May 2009 shall be fitted with passenger seats of the standard as stipulated in the “Road Traffic (Construction and Maintenance of Vehicles) Regulations” (Cap. 374A).
- Approval will NOT be given for issuance of Passenger Service Licence or student service endorsement to those vehicles which are not in compliance with the new legislative requirement.

Enquiries

For further enquiries, please contact the following offices by phone or fax:

Vehicle Safety and Standard Division (Vehicle Examination Centre)

For examination of buses - Tel. no.: **2333 3112**
For examination of school private light buses - Tel. no.: **2759 7573**

Public Vehicles Unit (Licensing Service)

Public Bus - Tel. no.: **2804 2574**
Private Bus - Tel. no.: **2804 2450**
School Private Light Bus - Tel. no.: **2804 2263**
Fax. no. - **2865 1227**