

C047-E

A BILL

To

Amend the Kowloon-Canton Railway Corporation Ordinance to create the office of Chief Executive Officer of the Kowloon-Canton Railway Corporation.
Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Kowloon-Canton Railway Corporation (Amendment) Ordinance 2001.

2. Interpretation

Section 2(1) of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) is amended by adding---

"Chief Executive Officer" (行政總裁) means the Chief Executive Officer of the Corporation appointed under section 3(2)(b);".

3. Corporation established

(1) Section 3(2) is amended by adding "the following members" after "consist of".

(2) Section 3(2) is amended by adding---

"(b)a Chief Executive Officer appointed by the Corporation, the appointment to be made in the manner provided in paragraph 4 of the First Schedule;".

(3) Section 3(2A) is repealed and the following substituted---

"(2A) The functions of the Chairman and the Chief Executive Officer shall be the functions assigned to them by this Ordinance and any functions that the Corporation may assign to them.".

4. By-laws

Section 31(1)(o)(iii) and (iv) is amended by repealing "Chairman" and substituting "Chief Executive Officer".

5. Supplementary provisions relating to by-laws

Section 32(1) is amended by repealing "Chairman" wherever it appears and substituting "Chief Executive Officer".

6. Provisions with respect to the Corporation and members thereof

(1) The First Schedule is amended by adding---

"4. Any determination by the Corporation of a matter relating to---

(a) the appointment to the service of the Corporation of the Chief Executive Officer, including the terms and conditions of such appointment;

(b) the suspension or dismissal from the service of the Corporation of the Chief Executive Officer,

requires the prior approval of the Chief Executive."

(2) Paragraph 12 of the First Schedule is amended by adding "or Chief Executive Officer" after "Chairman".

(3) Paragraph 13 of the First Schedule is amended by adding "or Chief Executive Officer" after "Chairman".

Consequential Amendments

Kowloon-Canton Railway Corporation By-laws

7. Plan showing restricted areas

By-law 79(1) and (2) of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg.) is amended by repealing "Chairman" and substituting "Chief Executive Officer".

Explanatory Memorandum

This Bill amends the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) to separate the functions and duties of chairman from those of chief executive in the Kowloon-Canton Railway Corporation ("the Corporation") by creating the office of Chief Executive Officer of the Corporation

(clause 3(2)) and, in that connection---

- (a) to provide for appointment to that office by the Corporation (clause 3(2));
- (b) to provide that the appointment of any person to that office shall be subject to the approval of the Chief Executive of the Hong Kong Special Administrative Region (clause 6(1)); and
- (c) to provide for the powers, functions and duties attaching to that office (clauses 3(3), 4, 5 and 6(2) and (3)).