

**立法會**  
**Legislative Council**

LC Paper No. CB(1)145/05-06  
(These minutes have been seen  
by the Administration)

Ref: CB1/SS/10/04

**Subcommittee on Proposed Resolution under  
Section 22 of the Tung Chung Cable Car Ordinance**

**Meeting on  
Wednesday, 5 October 2005, at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon SIN Chung-kai, JP  
Hon Howard YOUNG, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon LEE Wing-tat  
Hon Albert Jinghan CHENG

**Member absent** : Hon CHEUNG Hok-ming, SBS, JP

**Public Officers  
Attending** : Ms Maisie CHENG  
Deputy Commissioner for Tourism  
Economic Development and Labour Bureau

Miss Patricia SO  
Assistant Commissioner (Tourism) 2  
Economic Development and Labour Bureau

Mr Raymond CHAN  
Senior Assistant Law Officer (Civil Law)  
Department of Justice

Mr Albert YUEN  
Assistant Commissioner/Bus & Railway  
Transport Department

Miss Alice AU YEUNG  
Principal Transport Officer/Bus & Railway 2  
Transport Department

**Attendance by invitation** : MTR Corporation Limited

Ms Teresa CHEUNG  
Legal Manager General

Skyrail-ITM (Hong Kong) Limited

Mr Ken CHAPMAN  
Chief Executive Officer

Mr Bill CALDERWOOD  
General Manager

**Clerk in attendance** : Ms Anita SIT  
Senior Council Secretary (1)9

**Staff in attendance** : Miss Anita HO  
Assistant Legal Adviser 2

Mr Anthony CHU  
Council Secretary (1)2

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Action

**I Confirmation of minutes and matters arising**

(LC Paper No. CB(1)2343/04-05 - Minutes of meeting held on  
5 September 2005  
LC Paper No. CB(1)2344/04-05 - Minutes of meeting held on  
8 September 2005)

The minutes of the meetings held on 5 and 8 September 2005 were confirmed.

**II Meeting with the Administration**

(LC Paper No. CB(1)2346/04-05(01) - Information paper provided by the  
MTR Corporation Limited and  
Skyrail-ITM (Hong Kong) Limited

Action

LC Paper No. CB(3)683/04-05 - Proposed resolution under Section 22 of the Tung Chung Cable Car Ordinance (Cap. 577) moved by the Secretary for Economic Development and Labour)

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).
3. The Chairman drew members' attention to a letter dated 4 October 2005 from Skyrail-ITM (Hong Kong) Limited (Skyrail) tabled at the meeting providing an update on its discussion with the New Lantao Bus Co. (1973) Ltd. on joint promotional packages and other cooperative arrangements between the two companies. The letter was intended for members' sight only and thus was marked "Confidential".

*(Post-meeting note: The letter tabled at the meeting was subsequently circulated to members under confidential cover vide LC Paper No. CB(1)2380/04-05.)*

Follow-up action

4. Citing the relevant situations in the train compartments of the Kowloon-Canton Railway Corporation, Mr Albert CHAN suggested that the operator of the Tung Chung Cable Car System (CCS) should be prohibited from broadcasting sound advertisements and programmes on the CCS which were not pertinent to the safety and management of the CCS and might create a nuisance. He suggested that section 32 of the proposed Bylaw should be amended to that effect.

5. Some other members expressed reservation on the need of imposing a prohibitive requirement on the operator of the CCS in the Bylaw as suggested by Mr CHAN. They were particularly concerned that such a prohibitive requirement might unduly restrict the operator in the use of the public address system and other audio means to communicate with passengers. Such a provision might also give rise to disputes and difficulties in enforcement.

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MTRCL 6. The Administration and MTR Corporation Limited (MTRCL) undertook to consider Mr Albert CHAN's suggestion, taking into account other members' views and revert to the Subcommittee in writing.

Clause-by-clause examination of Chinese version of the proposed Tung Chung Cable Car By-law

7. The Subcommittee raised no query on the Chinese version of the proposed Tung Chung Cable Car By-law.

8. The Chairman concluded that the Subcommittee had completed the scrutiny of the proposed Tung Chung Cable Car By-law and would report to the House Committee on 14 October 2005. The Administration indicated that it would give

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fresh notice to move the proposed resolution as soon as possible.

**III Any other business**

9. There being no other business, the meeting ended at 11:20 am.

Council Business Division 1  
Legislative Council Secretariat  
25 October 2005

**Proceedings of the fifth meeting of Subcommittee on  
Proposed Resolution under Section 22 of the  
Tung Chung Cable Car Ordinance (Cap. 577)  
Wednesday, 5 October 2005, at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes of meetings</i>			
000000 – 000033	Chairman	- Confirmation of minutes of the meetings held on 5 and 8 September 2005 (LC Paper Nos. CB(1)2343/04-05 and CB(1)2344/04-05 respectively)	
<i>Agenda Item II – Meeting with the Administration</i>			
000034 – 000124	Chairman	Opening remarks	
000125 – 000724	MTRCL	Presentation of the information paper provided by MTRCL and Skyrail (LC Paper No. CB(1)2346/04-05(01))	
000725 – 002734	Mr Albert CHAN Skyrail Mr Howard YOUNG MTRC Mrs Selina CHOW Administration Chairman	<p><i>Section 32</i></p> <ul style="list-style-type: none"> <li>- Mr Albert CHAN's suggestion that the proposed Bylaw be amended to prohibit the operator of the CCS from broadcasting sound advertisements and programmes on the CCS which were not pertinent to the safety and management of the CCS and might create a nuisance.</li> <li>- The response from Skyrail that it did not intend to broadcast advertisements, programmes or commentaries on the CCS, but might introduce a personal guided tour commentary system by using personal audio gadgets.</li> <li>- Other members' concern that imposing a prohibitive requirement as suggested by Mr CHAN might unduly restrict the operator of CCS in the use of the public address system and other audio means to communicate with passengers. Such restriction might give rise to give rise to disputes and difficulties in enforcement.</li> </ul> <p><i>Section 40(1)d</i></p> <ul style="list-style-type: none"> <li>- Mr YOUNG's concern about enforcement of this section as it might be difficult to determine on the spot whether the specified activities were for commercial or non-commercial purposes, and MTRCL's response that</li> </ul>	Administration and MTRCL to take action as set out in paragraph 5 of the minutes

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		any enforcement action would be on the basis of evidence.  - The requirement to obtain the Company's authorization for the use of photos or audio records taken on the CCS for marketing / promotional purposes of the travel and tourism industry.	
002735 – 002902	Chairman	Letter dated 4 October 2005 from Skyrail tabled at the meeting providing an update on its discussion with New Lantao Bus Co. (1973) Ltd. on joint promotional packages and other cooperative arrangements.	
002903 – 003234	ALA2 Chairman	Chinese version of the proposed Tung Chung Cable Car By-law (LC Paper No. CB(1)2346/04-05(01))	
<i>Agenda Item III – Any other business</i>			
003235 – 003336	Chairman	Submission of the Subcommittee's report to the House Committee on 14 October 2005	

Council Business Division 1  
Legislative Council Secretariat  
25 October 2005