

Bills Committee on Rail Merger Bill
Administration's Response to the Follow-up to Bills Committee Meetings

Issue	Response
(A) Integrated Operating Agreement	
(i) Lighting (Clause 3.7.1)	
(1) To examine the feasibility of amending clause 3.7.1 to ensure that the lighting in areas of the railway premises accessible to the public could meet standards set out in the relevant design guidelines to facilitate access by visually impaired persons.	<ul style="list-style-type: none"> • The relevant clause will be amended to require the post-merger corporation (MergeCo) to take into account planning manuals issued by relevant Government departments and other relevant guidelines issued by the Government from time to time to provide and maintain adequate lighting. • The two corporations have implemented the requirement of lighting as set out in the Design Manual Barrier Free Access 1997 issued by Building Authority in their railway premises.
(ii) Escalator and lifts (Clause 4.9)	
(2) To consider amending clause 4.9 to the effect that MergeCo should provide and maintain adequate and reliable escalators and lifts for the safe, efficient and effective transportation of passengers within stations.	<ul style="list-style-type: none"> • The relevant clause will be amended to require MergeCo to provide and maintain adequate and reliable escalators and lifts for the safe, efficient and effective transportation of passengers.

Issue	Response
<p>(3) In relation to accidents occurred on escalators inside railway stations in the past two years, the two railway corporations to provide statistics of those accidents, including the number of injuries and the related claims, and follow-up actions taken by the two railway corporations to reduce escalator accidents.</p>	<ul style="list-style-type: none"> • Reply of railway corporations is at the <u>Annex</u>.

Issue	Response			
(iii) Performance requirements (Clause 4.10)				
<p>(4) The Administration to illustrate how the impact of service disruptions during peak hours has been taken into account in the existing Performance Requirements.</p>	<ul style="list-style-type: none"> The impact of service disruptions on passengers during the peak hours will be reflected in the “Passenger Journeys On Time” (PJOT) because this indicator can reflect the number of passengers affected. The formula of PJOT is: $\frac{\text{Incoming Patronage (a)} - \text{Passengers Delayed by at least 5 Minutes (b)}}{\text{Incoming Patronage (a)}} \times 100\%$ If a railway incident happened during the peak hours, the number of passengers affected will be higher, resulting in a lower percentage of PJOT. Please refer to the following hypothetical cases: 			
	<p>Hypothetic Cases</p>	<p>Incoming Patronage (a)</p>	<p>Passengers delayed by at least 5 minutes (b)</p>	<p>Passenger Journey On Time [(a)-(b)]/(a)</p>
	<p><u>Case 1 (Incident happened during off-peak period)</u> If the whole line is delayed by 5 minutes or more from 9 p.m. to 11 p.m. due to incidents on 4 days in a year and if the actual average no. of passengers carried in the hours from 9:00 p.m. to 11:00 p.m. daily is 8,600, then the total no. of passengers delayed by 5 minutes or more in that year would be 34,400 (8,600 x 4 = 34,400 passengers.)</p>	<p>6,000,000</p>	<p>34,400</p>	<p>99.42%</p>
	<p><u>Case 2 (Incident happened during peak period)</u> If the whole line is delayed by 5 minutes or more from 5 p.m. to 7 p.m. due to incidents on 4 days in a year and if the actual no. of passengers carried in the hours from 5:00 p.m. to 7:00 p.m. daily in that year is 24,000, then the total no. of passengers delayed by 5 minutes or more would be 96,000 (24,000 x 4 = 96,000 passengers.)</p>		<p>96,000</p>	<p>98.40%</p>

Issue	Response
(iv) Handling of passenger complaints and suggestions (Clause 4.14)	
<p>(5) MTRCL to consider:</p> <ul style="list-style-type: none"> • publicizing the contents of the report furnished to the Administration under clause 4.14.2 on the internet; and • making public the Administration's assessment on the report, including and suggested follow-up actions to be taken by MergeCo. 	<ul style="list-style-type: none"> • MTRCL agreed that MergeCo would publicise on the internet relevant information of the report furnished to the Administration under clause 4.14.2 and would publish relevant information of the Administration's assessment on the report.

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<p>(6) The Administration to consider revising clause 4.14 to the effect that:</p> <ul style="list-style-type: none"> • the Administration could, at any time during the operating period, request MergeCo to furnish a report summarising the complaints and suggestions received by MergeCo on any specific matters in relation to its railway services and any action taken by MergeCo thereon; and • the Administration could, based on the report submitted by MergeCo to the Administration under clause 4.14.2, request MergeCo to conduct passenger satisfaction survey on issues in relation to its railway services which were of great public concern but not included in the Customer Service Pledges stipulated in clause 4.12.3. 	<ul style="list-style-type: none"> • The relevant clause will be amended to stipulate that the Administration may: <ul style="list-style-type: none"> - at any time during the Operating Period, request the Corporation to furnish a report summarising the complaints and suggestions received by the Corporation in relation to its railway services, and any action taken by the Corporation; and - upon receiving the report furnished by the Corporation pursuant to clause 4.14.2 or the amended clause mentioned above, request the Corporation to conduct passenger satisfaction survey on issues in relation to its railway services which are of great public concern but not included in the Customer Satisfaction Pledges stipulated in clause 4.12.3, and submit the report to the Commissioner for Transport.

Issue	Response
(v) Request for review (Clause 4.16)	
(7) The Administration to provide details of cases in the past two years, if any, in which the Administration had requested MTRCL to consider specific suggestions made under clause 4.16.2 for changes in operation of its railway services but MTRCL had decided not to adopt any such suggestions.	<ul style="list-style-type: none"> In the past two years, there has not been any case that MTRCL has rejected suggestions made by Transport Department under clause 4.16.2.
(vi) Instruction manuals (Clause 5.2)	
(8) The Administration to clarify whether there is any repetition of the reference to “such instructions have safety implications” in clauses 5.2.2 (a) and (b)	<ul style="list-style-type: none"> Clause 5.5.2(a) stipulates that the Corporation shall consult the Inspector if the instructions have safety implications, whereas clause 5.5.2(b) specifically requires the Corporation to consult three parties including the Inspector, the Commissioner of Police and the Director of Fire Services if such instructions relate to fire fighting and rescue and other emergencies. There is no conflict between the two clauses.
(B) Others	
(9) The Administration to advise whether the IOA contained any provisions which had already been covered in the relevant regulations and By-laws.	<ul style="list-style-type: none"> The IOA does not contain any provision which has already been covered in the regulations and By-laws.

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<p>(10) Given that the Ombudsman was presently empowered to investigate complaints of maladministration by KCRC or initiate direct investigation into significant issues, and areas of maladministration in the absence of complaints, the Administration was requested to advise whether the jurisdiction of the Ombudsman would be affected as a result of the rail merger, and whether Part I of Schedule 1 to the Ombudsman Ordinance (Cap. 397) would cover MergeCo.</p>	<ul style="list-style-type: none"> • Section 7(1) of the Ombudsman Ordinance (Cap.397) empowers the Ombudsman to investigate any action taken by or on behalf of Government/public authorities listed in Part 1 of Schedule 1 in the exercise of their administrative functions. The Kowloon-Canton Railway Corporation (KCRC) is a statutory public corporation solely owned by the Government and as such is an organization specified in Part 1 of Schedule 1 to the Ombudsman Ordinance. This will not change after the rail merger. • KCRC would remain as a statutory public corporation solely owned by the Government, though it would only retain certain administrative, accounting and treasury functions while ceasing to operate railway and bus services. The jurisdiction of the Ombudsman over KCRC would not be affected as a result of the rail merger. • The MTR Corporation Limited (MTRCL) was deleted from Part I of Schedule 1 to the Ombudsman Ordinance upon its transformation from a statutory public corporation to a private company in 2000. Upon the rail merger, MTRCL would become the legal entity of the MergeCo. Therefore, Part 1 of Schedule 1 to the Ombudsman Ordinance would not cover MergeCo. At present, all commercial entities which provide public services (including railway corporations and franchised bus companies, etc.) are subject to other monitory measures such as the Companies Ordinance (Cap 32). MergeCo will also be bound by the amended MTR Ordinance.

Matters Relating to Escalator Accidents – Response of Railway Corporations

Statistics of Escalator Accidents

<u>Year</u>	<u>Company</u>	<u>No. of accidents</u>	<u>No. of injuries</u>	<u>No. of claims</u>
2005	MTRCL	436	479	35
	KCRC	150	160	11
2006	MTRCL	438	484	32
	KCRC	167	171	16

Follow-up Actions for Reducing Escalator Accidents

MTRCL has adopted the following follow-up actions to reduce the escalator accidents:

- A TV commercial was produced to remind passengers to stand still and hold the handrail when riding on the escalators. Passengers are also reminded on the safe use of escalators via other media including in-Station Posters, Print Ads and InfoPanels Ads.
- The corporation had sponsored a TV comedy series to promote the smart safety tips of using the escalator correctly in Jul and Aug 2006.
- The latest annual Escalator Safety campaign was held between 05 – 31 July 2006.
- Escalator Safety ambassadors are deployed at escalator sites to assist elderly passengers and promote educational message on safety to passengers.
- School/elderly centre visits to promote escalator safety are conducted on a monthly basis.
- Safety campaign on escalator safety was jointly held by MTRCL and Electrical and Mechanical Services Department (EMSD) in November 2006.
- The implementation of a trial scheme for installation of Audible Alert System (sound box) at escalator to alert passengers on escalator safety is underway. As at end December 2006, 17 escalators were equipped with the audio alert system for trial purpose.
- Banners for reminding passengers of the safe use of escalators are posted beside some longer escalators.
- Measures such as public address and display of clear signs and posters inside the stations are implemented to direct passengers with bulky luggage to use the lifts.

As for KCRC, the corporation has put on trial at the Hung Hom Station a new safety device “LED flashing lights” at both ends of an escalator to enhance the safety awareness of passengers using escalators. The device can draw passengers’ attention when they step on or leave the escalator. If it is proved to be effective, it will be installed at other stations.

KCRC has also implemented other safety measures, including the installation of tri-lingual audible devices (which reminds passenger to hold the handrail) at escalators and bollards at the landings of 74 busy escalators at East Rail stations.

A number of passenger education activities were arranged in 2006 to enhance passenger awareness on lift and escalator safety. These include a safety campaign jointly organized with EMSD, a scheme to encourage elderly passengers to use lifts, and the deployment of safety ambassadors at KCR stations to deliver giveaways to passengers to promote the safe use of escalators. Publicity materials, such as posters, stickers and promotional boards with safety messages were extensively displayed at KCR stations to arouse passengers’ concerns on the safe use of escalators. KCRC will continue to organise safety campaigns to promote the safe use of escalators.

The escalator accident rate per million passengers of MTRCL and KCRC is 0.5 and 0.4 respectively. The escalator accident rate of MTR and KCR stations is lower than that in other railway systems in the world (members of CoMET and Nova). The two railway corporations advised that they would continue their effort in enhancing the safety measures for escalators.