

Bills Committee on Rail Merger Bill**List of outstanding follow-up actions**
(position as at 5 March 2007)**I. Fare-related issues**

Information/Follow-up actions required	Latest position / Administration's response
<p><u>Date of meeting: 12 December 2006</u></p> <p>(a) The Administration was requested to consider reducing the scope of flexibility granted to the post-merger corporation (MergeCo) to adjust individual fares from the fare adjustment rate calculated in accordance with the fare adjustment mechanism (FAM).</p> <p>(b) In view that the agreed formula for annual adjustments in fare would be applied automatically, the Administration was requested to consider the following alternatives to fine tune the proposed FAM:</p> <ul style="list-style-type: none"> • to set up a fare stabilization fund to moderate the rate of fare increase under the FAM by using profits from property developments; • to empower the Chief Executive in Council or the Legislative Council (LegCo) to have the ultimate power to determine the rate of fare increase or decrease under the FAM; or • to require MergeCo to consider other factors such as prevailing economic conditions, its operating environment and public affordability before determining the rate of fare increase or decrease under the FAM. 	<p>Response awaited.</p>

II. Staff-related issues

Information/Follow-up actions required	Latest position / Administration's response
<p><u>Date of meeting: 24 October 2006</u></p> <p>The two corporations to inform the Bills Committee of the result of their consultation with staff on the employment terms and conditions of MergeCo and other relevant human resources matters.</p>	Response awaited.

III. Integrated Operating Agreement

Information/Follow-up actions required	Latest position / Administration's response
<p><u>Date of meeting : 16 January 2007</u></p> <p>(a) MTR Corporation Limited (MTRCL) to disclose the three property development sites which MTRCL required Government to grant property development rights in its bidding proposal for the Shatin to Central Link (SCL);</p> <p>(b) The Administration to provide a paper on the legal status of the award of the SCL project to the Kowloon-Canton Railway Corporation (KCRC), particularly the legal rights and obligations of Government/KCRC in respect of the SCL project; and</p> <p>(c) KCRC to provide a paper reporting on the progress of SCL, including the progress of the various studies related to SCL, the alignment and stations design, the difficulties encountered in taking forward SCL and the estimated implementation timetable.</p>	<p>Response awaited.</p>
<p><u>Date of meeting: 23 January 2007</u></p> <p><u>Clause 3.6</u></p> <p>(a) MTRCL was requested to address the emission of foul odour at MTR stations;</p> <p><u>Clause 3.7</u></p> <p>(b) The Administration to examine and report back on 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;</p> <p><u>Clause 4.1</u></p> <p>(c) The Administration to consider amending clause 4.1.1 to set out the requirement to notify media under the specified circumstances as stipulated in clause 4.1.1;</p> <p><u>Clause 4.6</u></p> <p>(d) The two railway corporations were requested to address the concerns about excessive noise generated by railway operations</p>	<p>Response awaited.</p>

<p>and maintenance activities;</p> <p><u>Public toilets</u></p> <p>(e) The Administration and MTRCL to consider including relevant provisions in the integrated Operating Agreement (IOA) to ensure the provision of public toilets at rail stations, particularly existing MTR stations; and</p> <p><u>Others</u></p> <p>(f) The Administration to advise whether the IOA contained any provisions which had already been covered in the relevant regulations and By-laws.</p>	
<p><u>Date of meeting: 29 January 2007</u></p> <p><u>Clause 4.4</u></p> <p>(a) The Administration to advise whether it would allow MergeCo to broadcast audio or audio-visual programmes in train compartments and train stations, and whether the current restrictions as set out in the KCRC By-laws governing the conduct of passengers to avoid causing a nuisance or annoyance to other passengers should form the basis of Government's policy in relation to any aspects of the transmission of audio or audio-visual programmes in train compartments and train stations;</p> <p>(b) The Administration to provide a copy of the guidelines in relation to the regulation over the broadcasting of audio or audio-visual programmes in franchised buses;</p> <p>(c) The Administration to provide information on the guidelines on the regulation over the broadcasting of audio or audio-visual programmes in train compartments, and consider setting out in the guidelines the requirement to (i) provide a minimum proportion of Quiet Zones/Cars, say 50%, among the train compartments; and (ii) provide the broadcasts of news programmes and advertisements in train compartments in the mute mode with captions;</p> <p>(d) The Administration to consider stipulating in the IOA the requirement for MergeCo to provide radio reception on board its trains;</p>	<p>Response awaited.</p>

<p><u>Clause 4.6</u></p> <p>(e) The Administration to provide details on the criteria the Environmental Protection Department would consider in issuing the construction noise permits to KCRC for the railway maintenance works under the Noise Control Ordinance (Cap. 400);</p> <p>(f) The Administration to provide details on the statutory limits of the noise emitted due to railway operations and whether it was appropriate to make reference to noise limits of overseas jurisdictions in setting the limit, and the two railway corporations' measures to rectify the exceedance cases;</p> <p>(g) The Administration to consider stipulating in the IOA the requirement for MergeCo to comply with the guidance notes, practice notes and advice as might be issued by the Government from time to time relating to the noise level emitted due to maintenance works;</p> <p>(h) The Administration to provide information on measures taken by the Environment, Transport and Works Bureau, and the Housing, Planning and Lands Bureau at the initial planning stage of railway development to ensure that residents along the railway corridor would not be exposed to excessive railway noise upon implementation;</p>	
<p><u>Date of meeting : 6 February 2007</u></p> <p><u>Clause 4.7</u></p> <p>(a) The Administration to consider amending clause 4.7 to the effect that MergeCo should provide and maintain adequate staff and a reliable ticketing system for the efficient, effective and accurate collection of fares;</p> <p>(b) The two railway corporations to consider</p> <ul style="list-style-type: none">(i) providing bi-directional wide gates at all KCR stations; and(ii) improving the design of ticketing machines to facilitate access and use by persons with different types of disabilities. <p>(c) The two railway corporations to consider the proposal to display the remaining stored value on an Octopus card when passenger touched the card on the Octopus Fare Deducting Processor at entry</p>	<p>Response awaited.</p>

gate, and provide the cost estimate for the related upgrading works;

- (d) In relation to the recent incident of inaccurate fare deduction from Octopus card in MTR Kowloon Tong Station, the Administration to provide information on the records furnished by the two railway corporations regarding the malfunctioning of the ticket gates and how Government would monitor the performance of railway corporation in order to ensure the provision of a reliable and accurate fare collection system ;
- (e) The Administration to consider including the requirement of the reliability of MTR fare saver machines under IOA;
- (f) The two railway corporations to consider introducing new/maintaining existing concessionary monthly ticket schemes;

Clause 4.8

- (g) The Administration to consider amending clause 4.8 to further require that MergeCo should ensure that all smart card handling facilities were at all times accurate;

Clause 4.9

- (h) The Administration 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;
- (i) The Administration to consider adding a new clause to the effect that lifts should be provided near the main entrances of station and platform as far as practicable;
- (j) The Administration to consider adding a new clause to the effect that MergeCo should review the provision of lifts annually and to adjust the level of provision having regard to the results of the annual review on the demand for lift services by passengers;
- (k) In relation to accidents 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;

Clause 4.10

- (l) The Administration to consider introducing an objective and

<p>effective system, for the purpose of issuing warnings and/or imposing financial penalty on MergeCo for any repeated failures by MergeCo to comply with any Performance Requirement; and</p> <p>(m) In respect of clauses 4.10.1, the Administration to consider setting out the circumstances under which information pertaining to the failure by MergeCo to meet any Performance Requirement would be made public.</p>	
<p><u>Date of meeting: 13 February 2007</u></p> <p><u>Clause 4.10</u></p> <p>(a) The Administration to illustrate how the impact of service disruptions during peak hours had been taken into account in the existing Performance Requirements;</p> <p><u>Clause 4.10.1</u></p> <p>(b) The Administration to discuss with MTRCL on amending clause 4.10.1 to the effect that MergeCo would be required to provide information to LegCo concerning any failure by MergeCo to meet any Performance Requirement during an assessment;</p> <p><u>Clause 4.10.2</u></p> <p>(c) The Administration to consider amending clause 4.10.2 (b) to the effect that at any other time or times during the Operating Period, the Commissioner for Transport (the Commissioner) could, having regard to the results of any customer surveys covered by reports furnished pursuant to clause 4.13.3, request a joint review of the Performance Requirements in conjunction with MergeCo;</p> <p><u>Clause 4.10.3</u></p> <p>(d) The Administration to consider the need of requiring MergeCo to brief LegCo of the Performance Requirements for New Projects before such New Projects are commissioned;</p> <p><u>Clause 4.12.2</u></p> <p>(e) The two railway corporations to</p> <p>i) consider providing a breakdown of passenger complaints by categories when publishing passenger complaint data under clause 4.12.2(b);</p> <p>ii) include data on railway incidents when publishing data in</p>	<p>Response awaited.</p>

<p>relation to accidents etc. on the railways in clause 4.12.2(c); and</p> <p>iii) publish on a quarterly basis instead of on an annual basis data on issues covered in clauses 4.12.2(c) and 4.12.2(d);</p> <p><u>Clause 4.12.3</u></p> <p>(f) The Administration to improve the wording of the clause to the effect that MergeCo should also provide and maintain accurate add-value machines and to introduce a new Performance Requirement/Customer Service Pledge for measuring the accuracy of the add-value machines;</p> <p>(g) The Administration to consider adding a new Customer Service Pledge on the reliability of facilities provided to persons with disabilities viz. wheelchair lifts, stair lifts, escalator audible devices, Braille plates, flashing system map, bi-directional wide gates, toilets for PwDs, lifts and tactile guide paths for the visually impaired;</p> <p><u>Clause 4.12.4</u></p> <p>(h) The Administration to discuss with MTRCL on how to refine clause 4.12.4 to the effect that MergeCo should take appropriate follow-up action should MergeCo constantly fail to meet the Customer Service Pledges listed in clause 4.12.3.</p>	
<p><u>Date of meeting: 27 February 2007</u></p> <p><u>Clause 4.13</u></p> <p>(a) The two railway corporations to consider reviewing the arrangements for measuring customer satisfaction with their railway services so as to gauge passengers' views on whether they were satisfied with the way the railway corporations handled a particular railway incident and the related contingency arrangements;</p> <p>(b) KCRC to provide findings of previous passenger satisfaction surveys with regard to customer satisfaction with the contingency measures implemented during KCR railway incidents;</p> <p>(c) KCRC to consider improving the arrangements for measuring customer satisfaction with the Light Rail (LR) service and consider improvement measures such as installing platform gates at LR stations, improving the open fare and ticket inspection system so as</p>	<p>Response awaited.</p>

to reduce conflicts between passengers and LR staff, introducing monthly ticket scheme for short-haul journeys, improving the traffic light, enhancing the safety of signalized pedestrian crossings across the LR tracks, etc;

- (d) The Administration to consider stipulating in clause 4.13 that the report submitted by MergeCo under clause 4.13.3, including the Administration's assessment of the report and suggested follow-up actions to be taken by MergeCo, should be made public;

Clause 4.14

- (e) The Administration to consider revising clause 4.14.1 to the effect that MergeCo should set up users consultative committee, which should include, inter alia, users from PwDs and the elderly;
- (f) MTRCL to provide information on the criteria adopted in inviting PwDs organizations for joining their consultative procedures;
- (g) The Administration/two railway corporations to consider
- i) publicizing the contents of the report furnished to the Administration under clause 4.14.2 on the internet;
 - ii) making public the Administration's assessment on the report, including suggested follow-up actions to be taken by MergeCo;
- (h) The Administration to consider revising clause 4.14 to the effect that:
- i) 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;
 - ii) a new provision allowing the Administration, based on the report submitted by MergeCo to the Administration under clause 4.14.2, to 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;

Clause 4.15

- (i) The Administration to consider specifying a minimum display area for the signs and passenger information in every station so as to ensure the clearly display of passenger information at convenient

locations;

- (j) The two railway corporations to consider displaying a hotline number near the ticket and add-value machines for passengers to make enquiries and seek in-station assistance;
- (k) The Administration to consider revising clause 4.15 to the effect that
 - i) MergeCo should provide and maintain tactile guide paths and escalator audible signals;
 - ii) MergeCo should display on railway premises and the approaches thereto appropriate signs and information in Chinese and English, Braille texts and display systems with audible sounds and captions;
- (l) MTRCL to explore any flashing light system used in overseas rail systems that would not have an adverse effect on persons with epileptic symptoms;

Clause 4.16

- (m) 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.

IV. Others issues

Information/Follow-up actions required	Latest position / Administration's response
<p><u>Date of meeting: 12 December 2006</u></p> <p>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 the MergeCo.</p>	<p>Response awaited.</p>

Council Business Division 1
Legislative Council Secretariat
5 March 2007