

**Bills Committee on Rail Merger Bill**

**Administration’s Response to the Follow-up to the meeting held on 18 May 2007**

Issue	Response
<p>The Administration to advise the draft provisions of the additional Committee Stage Amendments as mentioned at the meetings held on 15 and 18 May 2007.</p>	<ul style="list-style-type: none"> <li>• At the meeting of the Bills Committee on the Rail Merger Bill (the Bill) held on 15 May 2007, we advised that the Administration will move Committee Stage Amendments to change the reference to “Secretary for the Environment, Transport and Works” to “the Secretary within the meaning of section 2(1) of the Mass Transit Railway Ordinance (Cap.556)” which is already defined as Secretary for the Environment, Transport and Works. The relevant clause will be changed as follows: <ul style="list-style-type: none"> <li>“<b>2. Commencement</b></li> <li>This Ordinance shall come into Operation on a day to be appointed by the Secretary within the meaning of section 2(1) of the Mass Transit Railway Ordinance (Cap. 556) by notice published in the Gazette.”</li> </ul> </li> <li>• At the meeting of the Bills Committee held on 18 May 2007, we advised that the Administration agreed to suspend section 38 of the Kowloon-Canton Railway Corporation Ordinance (KCRC Ordinance) during the Concession Period. The proposed change is as follows (see the underlined part for the addition): <ul style="list-style-type: none"> <li>“<b>40. Suspension of certain provisions during Concession Period</b></li> <li>(1) The operation of the following is suspended during the Concession Period – <ul style="list-style-type: none"> <li>(a) Part IV and sections 25 <u>and 38</u>;</li> <li>(b) Sections 23, 34B and 35A; and</li> <li>(c) The Kowloon-Canton Railway Corporation (Permitted Activities (Consolidation) Order (Cap.372 sub. Leg. D).”</li> </ul> </li> </ul> </li> </ul>

Issue	Response
	<ul style="list-style-type: none"> <li data-bbox="631 231 2042 406">• At the meeting of the Bills Committee held on 18 May 2007, we advised that the exemption from the provisions regarding public toilets of the Public Health and Municipal Services Ordinance, Cap 132. would continue not to apply to the KCRC Railways. In this connection, we propose to add the following section to the Mass Transit Railway Ordinance:   <p data-bbox="694 470 1243 550"><b>“54AA. Disapplication of section 54(1) during Concession Period</b></p> <p data-bbox="728 566 2038 646">During the Concession Period, section 54(1) (insofar as it relates to sections 3 and 4 of Schedule 2) does not apply in relation to any part of the franchise relating to the KCRC Railways.”</p> </li> </ul>