

立法會
Legislative Council

LC Paper No. CB(1)72/06-07
(These minutes have been seen
by the Administration)

Ref: CB1/PS/1/04/1

Panel on Transport

Subcommittee on Matters Relating to Railways

**Minutes of special meeting on
Tuesday, 1 August, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LAU Kong-wah, JP
Hon Tommy CHEUNG Yu-yan, JP
- Public Officers attending** : **Agenda items III and IV**

Miss Cathy CHU
Deputy Secretary for the Environment, Transport and Works

Mrs Hedy CHU
Principal Assistant Secretary for the Environment, Transport and Works

Mr K H LO
Chief Inspecting Officer (Railways)
Environment, Transport and Works Bureau

Mr Albert YUEN
Assistant Commissioner of Transport/
Bus and Railway

**Attendance by
invitation**

: Agenda item III

Lloyd's Register Rail

Mr Michael HAMLIN
President

Ms Karen PRIESTLEY
Senior Consultant – Human Factors

Kowloon-Canton Railway Corporation

Ir James BLAKE
Chief Executive Officer

Ir K K LEE
Senior Director – Capital Projects

Mr Y T LI
Senior Director – Transport

Mr David FLEMING
Company Secretary and General Counsel

Mr Raymond WONG
Senior Corporate Affairs Manager

Agenda item IV

Kowloon-Canton Railway Corporation

Ir James BLAKE
Chief Executive Officer

Ir K K LEE
Senior Director – Capital Projects

Mr Y T LI
Senior Director – Transport

Mr David FLEMING
Company Secretary and General Counsel

Mr Raymond WONG
Senior Corporate Affairs Manager

MTR Corporation Limited

Mr Wilfred LAU
Acting Operations Director

Ms Maggie SO
External Affairs and Government Relations Manager

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Miss Winnie CHENG
Legislative Assistant (1)5

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- I Confirmation of minutes of meeting and matters arising**
(LC Paper No. CB(1)1997/05-06 - Minutes of special meeting held on
6 May 2006)

The minutes of the special meeting held on 6 May 2006 were confirmed.

II Information papers issued since last meeting

2. Members noted the following information paper issued since last meeting –

(LC Paper No. CB(1)1852/05-06(01) - Submission on Public Transport
Interchange at Lok Ma Chau
Terminus of the Sheung Shui to Lok
Ma Chau Spur Line)

As the submission was related to the Public Transport Interchange at the Lok Ma Chau Terminus, it was agreed that the matter should more appropriately be dealt with by the Panel on Transport when discussing the related transport arrangements prior to the

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commissioning of the Hong Kong – Shenzhen Western Corridor and the Sheung Shui to Lok Ma Chau Spur Line.

III East Rail underframe equipment mounting cracks

- (LC Paper No. CB(1)1979/05-06(01) - Information paper on "Government's Assessment on the Investigation Report by Kowloon-Canton Railway Corporation (KCRC) on East Rail Underframe Equipment Mounting Cracks" provided by the Administration
- LC Paper No. CB(1)1981/05-06(01) - Report of the Review Panel on the Reporting of East Rail Incidents
- LC Paper No. CB(1)2069/05-06(01) - Supplementary information on "Acceptance Procedures and Criteria for Rails for KCRC and MTR Corporation Limited" provided by the Administration
- LC Paper No. CB(1)2069/05-06(02) - Supplementary information on "Enhancement of East Rail Mid-Life Refurbished Trains Underframe Equipment" provided by the KCRC
- LC Paper No. CB(1)1420/05-06(01) - Chairman's Statement provided by KCRC
- LC Paper No. CB(1)1420/05-06(02) - Overview of the Root Cause Investigation into the Failure and Cracking of Underframe Equipment Support Brackets on East Rail Mid-Life Refurbished Trains provided by KCRC
- LC Paper No. CB(1)1420/05-06(03) - Executive Summary of the East Rail Underframe Equipment Mounting Cracks Root Cause Investigation Final Report provided by KCRC)

3. The Chairman said that the purpose of the meeting was to exchange views on Government's assessment on the Investigation Report by KCRC on East Rail (ER) Underframe Equipment Mounting Cracks (LC Paper No. CB(1)1979/05-06(01) and the Report of the Review Panel on the Reporting of East Rail (ER) Incidents (LC Paper No. CB(1)1981/05-06(01)).

4. The Deputy Secretary for the Environment, Transport and Works (DSETW) said that based on Government's assessment and Lloyds Register Rail (LRR)'s inputs, the Administration accepted KCRC's explanation that the root causes of the ER underframe equipment mounting cracks were excessive vertical vibration caused by

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resonance and poor welding of underframe equipment mounting brackets. The Administration was of the view that while the cracks were not caused by environmental and operational factors, there was room for improvement in KCRC's maintenance regime which might have prevented the fleet-wide cracking problem. Had the maintenance inspection been more thorough, it was expected that the cracking in the welding of the mounting brackets of the loosened underframe compressor should have been detected during the overhaul of the underframe when such was cleaned and visually inspected. It was hoped that KCRC would provide training to its staff to improve their vigilance in the detection of welding imperfections and cracks. It should also expedite the development of a formal and integrated asset management system in line with emerging best practices. This would not only help ensure that the assets were able to sustain their performance throughout their life cycle, but would also enable KCRC to more effectively detect and prevent recurrence of major fleet-wide problems. A list of Government's recommendations to KCRC for improvement had been set out in the Annex to Government's assessment at LC Paper No. CB(1)1979/05-06(01) and KCRC had undertaken to implement these recommendations.

List of 18 Government recommendations to KCRC for improvement

5. Mr WONG Kwok-hing enquired about KCRC's time frame for implementing the 18 Government recommendations for improvement. Ir K K LEE, Senior Director, Capital Projects, KCRC (SDCP/KCRC) said that KCRC had undertaken to adopt the 18 Government recommendations for improvement and had notified the Administration of its time frame for implementation. It was expected that these improvement measures could be completed by mid-2007. At Mr WONG Kwok-hing's request, KCRC would provide for members' reference the implementation schedule for the improvement measures.

(Post meeting note: The action plan for implementing Government's recommendations for improvement had been provided by KCRC and circulated under LC Paper No. CB(1)2262/05-06(02).)

6. Mr Jeffrey LAM enquired whether the improvement measures, estimated to be completed by 2007, could be expedited by KCRC. He also enquired if KCRC would have the confidence that such fleet-wide cracking problems would not recur with the implementation of the improvement measures. Ir James BLAKE, Chief Executive Officer, KCRC (CEO/KCRC) said that while the short-term improvement measures had been completed, the longer term improvements which would ensure that the trains were able to sustain their performance throughout their life cycle would be completed by 2007. KCRC would try to expedite the works as far as possible. Mr Y T LI, Senior Director, Transport, KCRC (SDT/KCRC) explained that the improvement measures were implemented by stages and some of the works including the installation of vibration monitoring equipment would expect to be completed by end-2006. Meanwhile, some of the improvements to the welding and underframe would expect to complete in mid-2007 and the replacement of rails would be completed in September 2007. Efforts would be made to allow for the early completion of the improvement

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works.

7. Mr WONG Kwok-hing sought elaboration on how Government's recommendation of imposing stricter requirements on the process of acceptance in future procurement of new rails could be implemented. SDT/KCRC said that efforts would be made to ensure, to the extent that it was possible to do so, that the suppliers had automatic systems for the examination of rail flatness in the manufacture of rails.

8. Mr WONG Kwok-hing sought elaboration on Government's recommendation on the replacement of the worst sections of the rails with undulations on a priority basis. SDCP/KCRC explained that the worst sections of the rails with undulations were those between Tai Wo Station and Fanling Station. Arrangements had been made for the replacement of these rails sections within the next three months. In response to Mr WONG, KCRC would provide progress on the replacement of rails.

Monitoring of railway performance

9. Mr Andrew CHENG said that the frequent occurrence of railway incidents had reflected Government's inadequacy in its monitoring of railway performance. While the Report of the Review Panel on the Reporting of ER Incidents had indicated that KCRC was at fault in the handling of its railway incidents and that there were delays in notification, Government had not taken actions against KCRC for its mismanagement. As a result, there had been frequent recurrences of railway incidents. He therefore enquired whether a more objective mechanism for monitoring and assessing railway performance (which might include penalties instead of mere warnings) should be introduced in an attempt to regain public confidence following the spate of railway incidents. He said that members of the Democratic Party would support, as a matter of priority, the upgrading of the Hong Kong Rail Inspectorate (HKRI) to a standing committee on rail safety which would take a more proactive role in monitoring the performance of aging rails rather than the appointment of panels on an ad hoc basis to review railway incidents.

10. DSETW said that HKRI comprised professionals in the field of rail safety and its members included mechanical, electrical and civil engineers who were experienced in railway operation. Being receptive to changes, the Administration had been looking at ways to improve HKRI's performance through internal deployment of resources. Despite the recent spate of railway incidents, these had not posed a serious threat to rail safety. Hong Kong's railway systems had ranked high in terms of rail safety and its monitoring mechanism was comparable to other countries where a professional and independent role was accorded to their railway inspectorates. In cases of railway incidents which required further investigation, a special panel with independent experts could be appointed for the purpose. The present arrangement was considered more preferable than the setting up of a standing committee on rail safety as it would allow for more flexibility in the appointment of local and overseas experts, taking into account the particular circumstances of the incidents.

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11. Mr Andrew CHENG said that the Administration should not be overly complacent about its railway performance. Precautionary measures should be taken as appropriate as there should be zero tolerance on rail safety. It was fortunate that the cracking incident had not resulted in serious consequences. He reiterated his support for the provision of additional resources for HKRI so that it could undertake more proactive monitoring on railway performance. He opined that besides achieving the right balances between controls and autonomy, HKRI should strive to perform a more proactive role in monitoring railway performance so as to regain public confidence on rail safety. DSETW said that the railway corporations would have to abide by the notification requirements as set out in the KCRC Regulations (Cap 372A). Under the existing legislation, the railway corporations might be liable to a fine of \$100,000 plus a daily fine of \$10,000 if they did not comply with the Government's directives to carry out works to ensure railway safety. She explained that KCRC was not penalized on the ER underframe equipment mounting incident (the ER incident) because it had carried out immediate remedial measures to ensure rail safety. Meanwhile, a study involving relevant departments including the Electrical and Mechanical Services Department (EMSD) would be conducted on the improvements that could be made to HKRI in terms of functions and resources.

12. Mr Albert CHAN said that the Report of the Review Panel on the Reporting of ER incidents had only identified problems but had not held anyone responsible. Referring to the Organization Chart of HKRI at Annex 6 to the Report, he was of the view that HKRI had not been able to effectively and proactively monitor railway performance as it was not able to conduct independent investigations on its own but had to rely on information supplied by the two railway corporations. As a result, there was insufficient monitoring on railway performance and no one could be held responsible for incidents that occurred. Given the culture of the corporations, the problem would likely exacerbate with the rail merger to the extent that HKRI could not effectively monitor their performance. He therefore enquired if the Administration would consider re-organizing HKRI so that it would be able to conduct investigations independently. DSETW clarified that HKRI had all along conducted independent investigations on railway incidents. It had appointed an expert team to investigate into the cracking problem as soon as it was discovered to be fleet-wide. Detailed investigations by the expert team were conducted to identify the root causes of the cracking problem and the finite analysis had shown that some of the mountings did not meet the standard for stiffness. As a result, KCRC had since been requested to follow up with its train manufacturers. DSETW further said that the Administration would be reviewing the establishment of HKRI to see if additional posts should be created to cope with the advances in technology and the increased responsibilities arising from the commissioning of new railway lines. Studies would be conducted on ways to enhance inputs from professional departments such as EMSD.

Automatic Train Operation mode

13. Noting KCRC's intended re-introduction of the Automatic Train Operation (ATP) mode, Mr WONG Kwok-hing was concerned about its impact on train speeds on entering stations. He enquired about the progress of re-introduction of ATP mode

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and whether such would give rise to stress and further cracks. The Chief Inspecting Officer (Railways), Environment, Transport and Works Bureau (CIO(R)) said that HKRI and KCRC had both been looking into the re-introduction of ATO. Efforts had been made to reduce the maximum train speed from 120 kilometres per hour (kph) to 110 kph and to reduce to 70 kph when entering stations. It had been accepted that ATO mode was not a direct cause of the cracking because the associated acceleration and braking rates were found to be within the original car specifications and had not introduced excessive stress to the underframe equipment mounting brackets. As HKRI was satisfied with the outcome on the testing of the reliability of the modified ATO system, it had since approved KCRC's application for the re-introduction of ATO on 24 July 2006 and KCRC would be re-introducing ATO to ER on 6 August 2006.

14. Ir Dr Raymond HO said that as it had been accepted that the speed profile of ATO was not a direct cause of the cracking, he failed to see the need for KCRC to suspend the ATO mode and revert to manual driving in the past months following the cracking incident. CEO, KCRC said that it was known at an early stage that ATO mode was not the cause of the cracking problem. However, it had taken a long time and a large number of tests to confirm this before a decision was taken to re-introduce it.

Detection of weld imperfections and rail undulations

15. Ir Dr Raymond HO said that he accepted the need for the 18 Government recommendations and would particularly welcome the provision of training on recognition of poor weld quality for all workshop staff. Referring to the cause of the cracking incident, he said that the cracks in the mounting brackets of air compressors and motor-alternators were clearly evident when he inspected the underframe components during his site visit to the train depot following the ER incident. He also pointed out that the weld imperfections and the rail undulations could have been identified by the inspection agents at the place of manufacture during the acceptance process. The problem appeared to rest with quality control in the manufacturing and acceptance processes and therefore there was a need for stricter requirements on these processes.

16. Regarding the underframe components, CIO(R) said that KCRC had been re-designing the underframe components and making welding improvements. HKRI had made enquiries with KCRC on the acceptance procedures and was given to understand that acceptance of trains was based on the specifications provided and was in line with established practice. A number of tests were performed by the inspection agents before the trains were delivered to Hong Kong. SDCP/KCRC added that KCRC had been sending staff to inspect the train components at the place of manufacture and more attention had been given to the major train components rather than the underframe components in the past. In future, efforts would be made to impose stricter requirements on quality control for new trains and these would be set out in the contract agreement with manufacturers. In cases of doubt, spot checks would be made to the train components as appropriate. As for the acceptance of rails, SDCP/KCRC advised that laser instruments installed in the production line would

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effectively detect over limit rail undulations during the production process.

17. Ir Dr Raymond HO said that as the weld imperfections in the mounting brackets could have been an inherent defect, he enquired whether actions could be taken against the train manufacturers. He also enquired whether LRR, as an inspection agent, should be held liable for failure to detect the defects in rails during the acceptance process. SDCP/KCRC explained that as the inspection of trains was mainly focused on major components supplied by the manufacturer, the mounting brackets and other auxiliary components which were supplied by sub-contractors had not received the same attention. He clarified that Crown Agent instead of LRR was appointed as the inspection agent for the acceptance of rails but international standards governing rail undulations had not been introduced at the time when the rails were inspected.

18. Noting from paragraph 10 of Government's assessment that the evidence for the causal factors as presented by KCRC might not be entirely exhaustive, Mr WONG Kwok-hing enquired about what had been missing in KCRC's investigation. DSETW said that the causes of the rail undulations, which might be due to flaws in the manufacture process or a result of wear and tear, had yet to be determined. While KCRC had appointed inspection agents to examine the rails at the place of manufacture, the acceptance standard was then based on UIC 860 standards which contained no specifications on rail undulations and KCRC's supplemental requirements on rail top flatness. It was only after 2004 that new specifications on rail undulations were introduced. At present laser tests were applied to check against rail undulations and further testing would be performed by KCRC. If it was found that the problem of rail undulations re-appear with the replacement of rails, it could be concluded that the problem was a result of operational use and not related to inherent factors.

Report of the Review Panel on the Reporting of ER Incidents

19. Referring to the Report of the Review Panel on the Reporting of ER Incidents (the Report), Mr Jeffrey LAM noted that the Report had identified four KCRC management staff who were in the seats of responsibility during the time under review and who had the opportunity to communicate with the Government. The Report had concluded that there were lessons to be learnt and changes to be adopted so that there would be better and improved communication between KCRC and Government. In this connection, he enquired about the changes to be made to improve the situation.

20. CEO/KCRC said that the Review Panel did not hold any one responsible for the inadequacy of communication during the period under review. Regarding information flow between KCRC and Government, the Review Panel had asked those who were in the seats of responsibility during the time under review, including the Acting Chief Executive Officer, the Senior Director-Transport, the Safety & Quality Manager and the Acting Safety & Quality Manager to learn a lesson and to adopt the necessary changes to improve communication between KCRC and Government. He said that KCRC had agreed on the need for improvement in communication with Government and appropriate actions would be taken to improve the situation.

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21. Mr LEE Wing-tat was concerned that KCRC's hierarchical reporting systems might have resulted in delayed notification to Government. While he would agree to most of the findings and recommendations of the Report, he pointed out that the Review Panel had not addressed the issue of when the KCRC management should notify the Administration on the occurrence of railway incidents. It had been the culture of KCRC to handle railway incidents within the Corporation and to complete its initial investigation before notifying HKRI. A written warning had in fact been issued by HKRI condemning the KCRC management for violating established practice in notification. However, in its assessment, the Government had only set out 18 recommendations for improvement and no further actions had been taken against KCRC.

22. DSETW said that the Review Panel had indicated the need to strengthen communication between KCRC and Government. It had also pointed out that HKRI should be more proactive in the relationship with KCRC and should take more follow-up checks on railway incidents that had occurred. The findings and recommendations of the Report were accepted by the Administration. In future, HKRI would request for regular reports from KCRC on railway incidents and this would facilitate the Administration in monitoring railway performance. Meanwhile, there would be more frequent meetings between KCRC and the Administration with the commissioning of new railway lines. KCRC was also obliged to notify HKRI on all notifiable occurrences and to give clear instructions to its staff on the incidents to be reported.

23. Responding to the Chairman on the measures taken and the time frame to improve communication between KCRC and Government, DSETW said that the Administration had taken measures to improve communication and these would be implemented in August 2006. CEO, KCRC said that both the Chairman and CEO of KCRC were committed to improving the culture of KCRC by making its management more transparent. While the ER incident was reported to HKRI, the cracking which was discovered subsequently had not been clearly made known although such had been reported in due course in a manner which KCRC believed at the time was appropriate. KCRC was working closely with the Government to make sure that notifiable occurrences were reported and that the descriptive materials on the incidents were provided promptly to HKRI so that there would not be any future misunderstanding. The improvements to the notification procedures would mostly be completed by August 2006.

24. Mr Jeffrey LAM said that pursuant to the cracking incident, there had been calls for stepping up the inspection process and improving the transparency in railway management. He was concerned that such would adversely impact on staff to the extent that they might resort to over-reporting, thereby hindering normal railway operation. He enquired if actions would be taken by the KCRC management to tackle the situation, in an attempt to boost staff morale. CEO, KCRC said that the KCRC management had discussed the problem with HKRI since over-reporting was just as bad as under-reporting. Clear instructions would be made to staff on what should be reported.

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IV Review of the notification and reporting regime for railway incidents and matters

(LC Paper No. CB(1)2069/05-06(03) - Information paper provided by the Administration

LC Paper No. CB(1)1981/05-06(01) - Report of the Review Panel on the Reporting of East Rail Incidents)

25. The Chairman said that the Chairman of the Review Panel on the Reporting of ER Incidents was unable to attend the meeting as he was away from Hong Kong.

26. DSETW said that the Administration had accepted the findings and recommendations of the Report on the Review Panel on the Reporting of ER Incidents and most of the measures proposed would be implemented by mid-August 2006. Pursuant to the Review Panel's recommendation on the provision of a list of specific examples of matters of "public concerns and media interests" to be reported, the Administration had held meetings with the two railway corporations to work out an agreed list which was set out at Annex A and B to the Administration's paper at LC Paper No CB(1)2069/05-06. It had been accepted that the list was meant to be used as reference only, given the different circumstances of railway incidents and their wide and varied nature. In cases of doubt, the railway corporations should also notify HKRI for the benefit of public. As regard the interface between HKRI and the railway corporations, it had been agreed that in future, verbal instructions from HKRI should be promptly followed by a written record of the instructions given so as to avoid misunderstanding of any telephone discussions. In the event of railway incidents, regular reports should be provided to HKRI. Meanwhile, the two railway corporations had also agreed with HKRI's suggestion to increase the frequency of the regular meetings which had hitherto been held quarterly.

27. Mr Andrew CHENG said that as KCRC had not been penalized for its failure to comply with the statutory notification requirements, he questioned the criteria under which penalty would be imposed. He was concerned that with the merger of KCRC and MTR Corporation Limited (MTRCL), the statutory control would be even more difficult to implement. Therefore, apart from enhancing the two-way communication, he stressed on the need for HKRI to exercise a clear monitoring role on the railway corporations to prevent the occurrence of railway incidents which might lead to serious consequence in the densely populated areas of Hong Kong. DSETW said that HKRI had been vigilant in the monitoring of railway performance. The railway corporations were required to comply with statutory notification requirements and to implement measures to ensure rail safety. In the ER underframe equipment mounting incident, although cracks appeared on the underframe equipment mounting of ER trains, KCRC did carry out immediate remedial measures which were assessed by Government to be safe. As such, it was decided that no penalty should be imposed on this incident. A letter of warning had since been issued to KCRC condemning it for violation of the legislation and the established practice relating to notification.

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28. Mr WONG Kwok-hing enquired if there was any time limit between the occurrence of the incident and the actual notification to HKRI and whether any written record was maintained on the notification. He also enquired if there was a designated post which was responsible for the notification and how situations were handled if they were not covered by the list of examples of railway incidents agreed between Government and the railway corporations. Referring to paragraphs 2.17 and 2.18 of the Report, he noted that there had been different interpretations on the notification requirements and no written record was maintained on the notification.

29. DSETW explained that the notification requirements for railway corporations were provided for under the regulations of the two railway corporations and supplemented by the procedures and arrangement agreed between them and Government. In gist, under the regulations of the two corporations, railway incidents were classified into “accidents” and “occurrences”. For accidents that occurred on the railway, railway corporations should “immediately after the occurrence” of the accident, make a verbal report to Government. It had been agreed with the railway corporations that notification should be made to HKRI by phone or pager immediately after the occurrence of the accident and within around 20 minutes of the occurrence. Apart from accidents, the Schedule to the regulations had set out notifiable occurrences in which railway corporations should “as soon as practicable after the occurrence” complete and deliver a written report on the occurrence to HKRI. While these occurrences were also serious matters with safety implications, they were of less immediate safety concerns and hence did not require immediate notification. At present, the railway corporations were able to submit written reports on these occurrences within the following day.

30. Regarding the Review Panel’s recommendation that verbal instructions from HKRI should be promptly followed by a written record of the instructions given, DSETW advised that such arrangement had already been institutionalized in February 2006. Written reports on all accidents and occurrences were required to be submitted by the railway corporations. To facilitate communication, a designated post from each railway corporation had been assigned to notify HKRI on all accidents and notifiable occurrences. As for the handling of situations which were not covered by the list of examples of railway incidents, this would have to rely on the judgment of the railway corporations based on the assessment of the safety implications of the occurrence. If there was doubt as to whether an incident should be notified, the incident should be notified. HKRI would always be prepared to give advice and answer enquiries where necessary.

31. Mr WONG Kwok-hing was of the view that the allowance of around 20 minutes for the reporting of accidents was not strict enough since railway accidents could lead to very serious consequences. He opined that notification should be made immediately and the allowance of a lead time of around 20 was not acceptable. DSETW said that while immediate notification was preferred, there was a need for the railway operation control centre to be notified before a verbal report was made to HKRI.

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32. Mr TAM Yiu-chung said that there should not be much time gap between the reporting of incidents to the control centre and the subsequent notification to HKRI. CIO(R) explained that as in all railway incidents, the railway corporations would need to find out what had happened first before notifying HKRI and this would usually take some time. They were also required to notify Government if the incident might cause service disruptions for eight minutes or more.

33. As to Mr TAM Yiu-chung's further enquiry on the actions taken by HKRI upon notification of an incident, CIO(R) said that HKRI would assess the impact of the incident and whether it would pose an immediate threat to passenger safety. In cases of incidents of a more serious nature, such as those involving serious injuries and fire, site visits would be arranged and urgent advice would be given by HKRI. For incidents which were of less immediate safety concerns, HKRI would request the railway corporations to submit written reports after the incidents to facilitate future monitoring on the remedial measures to be taken. There was an average of about 1 100 railway incidents per year which were reported to HKRI. Of these, about 50% were escalators-related incidents, about 30% were incidents associated with doors and platform gaps and about 10% would require further investigation and site visits.

34. Mr WONG Kwok-hing said that it would be totally unacceptable to allow around 20 minutes for the reporting of accidents which might involve serious injuries and train collision. He enquired if the two railway corporations would need such a long time to notify HKRI about the occurrence of such accidents. DSETW clarified that while reporting should be made immediately as far as practicable, the information relating to the accidents would normally be provided to HKRI within around 20 minutes. SDT/KCRC said that under existing practice, if an accident involving injuries had occurred, the first priority would be given to notifying the emergency services including the Police and Fire Services Department for rescuing lives and attending to the injured. If the accident would result in service disruptions of eight minutes or more, arrangements would be made to notify the Transport Department so that suitable transport measures could be arranged. Concurrent arrangements would be made to notify HKRI and other Government departments as appropriate. The Acting Operations Director, MTRCL said that MTRCL recognized the quality of reporting as well as the importance of notifying HKRI immediately on railway accidents that had occurred. In the event of an accident, it would need to first ensure the safety of the passengers. Arrangements would then be made to notify HKRI and where possible, there should be a continued provision of a safe and reliable service.

35. Mr WONG Kwok-hing enquired about the time required by KCRC to notify HKRI about the occurrence of accidents. SDT/KCRC said that it would take about 20 minutes for KCRC staff to notify HKRI of the occurrence of accidents, given that some time had to be allowed for the notification of rescue departments and the resumption of service. Mr WONG further enquired if the 20 minutes' time for notifying HKRI could be further shortened. DSETW reiterated that priority should be given to ensure the safety of passengers and the resumption of service and as such some lead time would be required for notifying HKRI. Mr WONG said that while he would appreciate that priority should be given to passenger safety, he remained of the

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view that the lead time of around 20 minutes allowed for notifying HKRI was too long. In his view, the railway staff could arrange to notify all rescue departments as well as HKRI at the same time. DSETW said that railway staff had been advised to notify HKRI as soon as possible. The Chairman also pointed out that the regulations of railway corporations had stated that railway corporations should make a verbal report to Government immediately after the occurrence of an accident.

36. Mr Albert CHAN said that given the advances in rail technology, there was a need to review the notification mechanism as well as the criteria in determining notifiable occurrences. As serious consequences might result from railway incidents, he considered it necessary that railway incidents should be reported as soon as practicable. Instead of giving the railway corporations the discretion to decide on whether an incident should be reported or not, he supported that incidents involving electrical or electronic failures, which might not involve any injuries, should also be reported to HKRI who would have the expertise in dealing with different levels of incidents. He asked if KCRC and MTRCL would object to his suggested arrangement. DSETW said that if in doubt, the railway corporations should proceed to notify HKRI of the occurrence. To provide guidance on the notifiable occurrence, the Administration had provided two lists of examples, one was on incidents which require notification under the regulations of the railway corporations and the other was related to safety-related incidents of public concern and media interests. These lists were not exhaustive and the railway corporations would have to make their own judgments depending on the nature of the incidents. CIO(R) explained that the railway corporations would be requested to report on incidents which might have safety implications, i.e., those involving power failures and emission of smoke etc. In case of power failures which might lead to service disruptions for eight minutes or more, the Transport Department would have to be notified.

37. CEO, KCRC said that KCRC would report to Government on any incident which would affect the safety and operation of railways. An incident would not be reported if it could be dealt with satisfactorily within the operation control centre. The decision whether to report the incident would be made by the Senior Director-Transport and/or the technical staff on the spot. The quality of reporting would be degraded if too many minor incidents were reported to Government.

38. Mr Albert CHAN opined that there should not be any delay in the reporting of incidents. He said that the railway corporations should verbally report the incidents to HKRI first and the information gathered on the incident should be set out subsequently in a written report. Referring to Annex A on the list of examples on incidents which require notification under the regulations of the railway corporation, he found it hard to accept the criteria that had been set for notification. By way of illustration, according to the list at Annex A, a notifiable occurrence would be a “broken or cracked wheel or tyre which renders the wheel or tyre not serviceable”. He was of the view that a “broken or cracked wheel or tyre” was already a notifiable incident and it need not be qualified by the phrase “which renders the wheel or tyre not serviceable”. He said that a review should be made on what constituted notifiable incidents and prompt notification should be made as appropriate.

Action

39. In response, DSETW explained that where a broken or cracked wheel was discovered at the depot but was subsequently repaired, notification to HKRI should not be required. However, if the broken or cracked wheel or tyre had rendered the wheel or tyre not serviceable and had disrupted the railway service, this would of course be required to be reported to HKRI. She concurred with Mr Albert CHAN on the need for immediate notification on serious accidents and that there should not be any delay. The railway corporations had been advised to notify HKRI about accidents that had occurred as soon as possible and without awaiting further information, which should be provided at a later stage. It was however important to note that priority should be given to the rescue of lives and the continuation of service. For incidents which carry safety implications, there was a need to ensure passenger safety.

40. Mr Andrew CHENG said that the Report had clearly indicated that KCRC was at fault in violating the existing legislation and established practice on notification requirements. While efforts had been made to delineate incidents which should be notified, there was no explanation as to why penalties were not imposed on KCRC, apart from a written warning. Given the recent spate of railway incidents, he questioned why penalties were not imposed to achieve a deterrent effect; and whether penalties would only be imposed if the incidents had resulted in death or injuries. He demanded a written explanation from the Administration on its criteria in imposing penalties. DSETW explained that under existing legislation, railway corporations may be penalized if they did not comply with Government's directives to carry out works to ensure rail safety.

(Post meeting note: The Administration had provided a written response on its consideration for not penalizing KCRC in the ER incident and was circulated under LC Paper No. CB(1)2262/05-06(01).)

V Any other business

41. There being no other business, the meeting ended at 4:25 pm.