

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2219/06-07  
(These minutes have been seen  
by the Administration)

Ref: CB1/HS/2/06

**Subcommittee to Study the Draft Subsidiary Legislation  
Relating to the Rail Merger**

**Minutes of meeting on  
Tuesday, 5 June 2007, at 8:30 am  
in the Chamber of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon TAM Yiu-chung, GBS, JP (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon LAU Kong-wah, JP  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon WONG Kwok-hing, MH  
Hon LI Kwok-ying, MH, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KWONG Chi-kin  
Hon TAM Heung-man
- Members absent** : Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Kwok-hung

**Public Officers  
attending**

**: Agenda item II**

Mr Patrick HO  
Deputy Secretary for the Environment, Transport and  
Works

Miss Ida LEE  
Principal Assistant Secretary for the Environment,  
Transport and Works

Mr Michael LAM Siu-chung  
Senior Assistant Law Draftsman  
Department of Justice

Miss Clara LEUNG  
Government Counsel  
Department of Justice

**Attendance by  
invitation**

**: Agenda item II**

MTR Corporation

Mr Leonard TURK  
Legal Director & Secretary

Mrs Miranda LEUNG  
General Manager – Corporate Relations

Ms Maggie SO  
External Affairs & Government Relations Manager

Mr LEUNG Kwok-yiu  
Operations Manager – Airport Railway

Mr Martin HANKS  
Manager - Merger Coordination

Ms Peggy LEUNG  
Associate, Slaughter & May  
(Legal Adviser of MTR Corporation)

Kowloon-Canton Railway Corporation

Mr Y T LI  
Senior Director, Transport

Mr Jeff LEUNG  
External Affairs Manager

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

**Staff in attendance** : Ms Connie FUNG  
Assistant Legal Adviser 3

Mr Noel SUNG  
Senior Council Secretary (1)4

Miss Winnie CHENG  
Legislative Assistant (1)5

---

Action

**I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1824/06-07 -- Minutes of meeting on 30 May 2007)

The minutes of the meeting held on 30 May 2007 were confirmed.

**II Meeting with the Administration/the two railway corporations**  
(LC Paper No. CB(1)1780/06-07(01) - Information paper on "Merger-related Subsidiary Legislation" provided by the Administration  
LS85/06-07 - Legal Service Division's comments on the draft Mass Transit Railway (Amendment) Bylaw)

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee examined the draft Mass Transit Railway (MTR) (Amendment) Bylaw (Annex A to information paper), MTR (North-west Railway) Bylaw (Annex B), Kowloon-Canton Railway Corporation (KCRC) (Suspension of Bylaws) Bylaw (Annex E) and Kowloon-Canton Railway (KCR) (Restricted Area) (No.2) (Amendment) Notice 2007 (Annex F) clause by clause, and expressed the following views and concerns –

Action

Draft MTR (Amendment) Bylaw

- (a) members were concerned that the penalties for offences committed under the various provisions in the Bylaw were relatively heavy. The Administration and the railway corporations undertook to review the penalty levels and report the outcome to the Subcommittee;
- (b) the post-merger corporation should continue to provide, on a long term basis, concessionary and promotional fares currently available to passengers of MTR and KCR, e.g. monthly tickets. The railway corporations undertook to maintain the existing concessionary and promotional fares until their expiry and review the arrangement for provision of concessionary and promotional fares after the merger;
- (c) members were concerned about the refund arrangements for passengers who bought a first class ticket for a East Rail train and were unable to travel in the first class compartment because there was insufficient accommodation and the passenger had to travel in standard class accommodation. The railway corporations should review the new by-law 12A proposed in the MTR (Amendment) Bylaw. Due publicity should be made on the refund arrangement;
- (d) the railway corporations should consider deleting the words "or attempt to consume" in by-law 27(b) to avoid ambiguity for enforcement;
- (e) it was not necessary to apply the proposed by-law 28C(3) and (4) to all stations and the by-law should only be applicable to those stations where queuing of passengers was required, e.g. Lowu station;

MTRCL/  
KCRC

Draft MTR (North-west Railway) Bylaw

- (f) members were of the view that by-law 27 should only cover advertising materials. The railway corporations responded that a review of the bylaws would be conducted after the rail merger; and
- (g) as regards by-law 40, members were concerned that railway staff might have difficulty in removing persons from the railway premises, especially when they were expected to use reasonable force to remove a person if necessary, as the railway staff were not trained to perform such duties. The railway corporations responded that guidelines would be issued to the staff to ensure that they carried out such duties only when their personal safety was not at stake. Police assistance would be sought as and when necessary.

Action

4. The Subcommittee requested the Administration and the railway corporations to –

Draft MTR (Amendment) Bylaw

- (a) delete the superfluous Chinese character "或" from by-law 5(bb) and 5(bc);
- (b) consider replacing the Chinese translation for "compartment" in the By-laws (e.g. by-law 15(2A)), "間隔", with another Chinese term;
- (c) provide information to the Subcommittee on the number of passengers in 2006 who were required to pay a surcharge as they failed to pay the appropriate fare for first class accommodation on a KCR train;
- (d) re-draft by-law 32A so that it would only cover advertising materials; and

Draft KCRC (Suspension of Bylaws) Bylaw

- (e) provide the Subcommittee with information on the provisions in the KCRC By-laws which had not been incorporated in the MTR By-laws for the post-merger corporation (excluding the provisions which had been left out because of their duplication with the MTR By-laws), and the reasons for not including the provisions in the MTR (Amendment) Bylaw.

5. The Subcommittee noted that –

Draft MTR (Amendment) Bylaw

- (a) By-law 28J concerning use of skateboards, scooters etc. on the railway premises and by-law 28K concerning obstruction would be withdrawn pending further review after the merger;
- (b) referring to by-laws 41P and 41Q, the railway corporations explained that it was considered inappropriate to set a time limit for persons reporting the loss of a permit and hence the words "without delay" was used;
- (c) with regard to by-law 41T, the Deputy Secretary for the Environment, Transport and Works confirmed that the Security Bureau had been consulted on the types of personnel, including members of the Chinese People's Liberation Army, who were exempted from the requirement to have a permit for entering the restricted areas; and

Action

Draft Kowloon-Canton Railway (Restricted Area) (No. 2) (Amendment) Notice 2007

- (d) the operation of the Kowloon-Canton Railway (Restricted Area) (No. 2) Notice 1997 would be suspended during the Concession Period and a new notice similar to the suspended one would be made and brought into operation on the day appointed for the commencement of the Rail Merger Ordinance under Section 2 of that Ordinance.

**III Any other business**

6. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 1  
Legislative Council Secretariat  
1 August 2007

**Proceedings of the meeting of  
the Subcommittee to Study the Draft Subsidiary Legislation  
Relating to the Rail Merger  
on Tuesday, 5 June 2007, at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 – 000100	Chairman	Confirmation of minutes of the meeting held on 30 May 2007 (LC Paper No. CB(1)1824/06-07)	
<i>Agenda Item II – Meeting with the Administration/the two railway corporations</i>			
000101 – 000720	Chairman Mrs Selina CHOW Clerk	Revision of the meeting schedule for the Subcommittee.	
000721 – 001159	MTRCL Chairman	The Subcommittee examined the Mass Transit Railway (MTR) (Amendment) Bylaw section by section By-law 6	
001200 – 001340	Ms LI Fung-ying MTRCL	By-laws 5, 9 and 10	
001341 – 001531	Mrs Selina CHOW MTRCL	By-law 10 Discussion on the granting of concessionary and promotional fare.	
001532 – 001745	Mr TAM Yiu-chung MTRCL	Discussion on the granting of concessionary and promotional fares.	
001746 – 002055	Mr WONG Kwok-hing MTRCL	Discussion on the granting of concessionary and promotional fares.	
002056 – 002640	Mr LAU Kong-wah KCRC	By-laws 12A and 15 Discussion on the need for refund to passengers who had bought first class tickets but had to travel in standard class compartments due to unavailability of accommodation in the first class compartment	
002641 – 003345	Mr Ronny TONG KCRC MTRCL	Discussion on the need for refund to passengers who had bought first class tickets but had to travel in standard class compartments due to unavailability of accommodation in the first class compartment	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
003346 – 004218	Mr WONG Kwok-hing Chairman Mr Ronny TONG KCRC MTRCL	Discussion on the need for refund to passengers who had bought first class tickets but had to travel in standard class compartments due to unavailability of accommodation in the first class compartment.	
004219 – 004818	Mr Andrew CHENG MTRCL Admin	By-law 10	
004819 – 005122	Mr CHEUNG Hok-ming KCRC Chairman	By-law 12A	
005123 – 005632	Mr LAU Kong-wah KCRC	By-law 12A	
005633 – 005758	Dr Fernando CHEUNG Chairman	By-law 12A	
005759 – 010138	Mr Tommy CHEUNG KCRC	By-law 12A	
010139 – 010254	Mr TAM Yiu-chung MTRCL	By-law 12A	
010255 – 010853	Mr Andrew CHENG Admin	By-law 10 Discussion on the granting of concessionary and promotional fares.	
010854 – 011336	Mr LEE Cheuk-yan Admin	By-law 10 Discussion on the granting of concessionary and promotional fares.	
011337 – 011941	Mr Ronny TONG MTRCL	By-law 12A	
011942 – 012232	Mr WONG Kwok-hing KCRC Admin	By-law 15 Discussion on surcharge	
012233 – 012538	Mr LAU Kong-wah KCRC Chairman	By-law 15 Discussion on surcharge	
012539 – 012605	MTRCL	Explanation on the surcharge	
012606 – 013057	Mr Andrew CHENG KCRC MTRCL	By-law 17(4) Discussion on review of the penalty levels for offences committed under the MTR By-laws	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013058 – 013143	Chairman MTRCL	Discussion on review of the penalty levels for offences committed under the MTR By-laws	
013144 – 013352	Mr Andrew CHENG MTRCL	Discussion on review of the penalty levels for offences committed under the MTR By-laws	
013353 – 013428	MTRCL	Discussion on review of the penalty levels for offences committed under the MTR By-laws	
013429 – 014153	Mr WONG Kwok-hing MTRCL KCRC	By-law 27 Discussion on deletion of the words "or attempt to consume".	
014154 – 014524	Ms TAM Heung-man KCRC Admin MTRCL	By-law 27(b) Discussion on deletion of the words "or attempt to consume".	
014525 – 014834	Ms LI Fung-ying MTRCL	By-law 27(b) Discussion on deletion of the words "or attempt to consume".	
014835 – 015255	Mr Andrew CHENG MTRCL	Discussion on review of the penalty levels for offences committed under the MTR By-laws	
015256 – 015956	Mr WONG Kwok-hing ALA3 MTRCL	By-law 27(b) Discussion on deletion of the words "or attempt to consume".	
015957 – 020345	Dr Fernando CHEUNG Chairman MTRCL	By-law 27(b) Discussion on deletion of the words "or attempt to consume".	
020346 – 021736	Mr Andrew CHENG Ms TAM Heung-man Mr LI Fung-ying Dr Fernando CHEUNG Mr Jeffrey LAM Mr TAM Yiu-chung Chairman	Discussion on the meeting schedule of the Subcommittee	
021737 – 022941	Break		
022942 – 023014	MTRCL	By-law 28A	
023015 – 023201	Mr Fernando CHEUNG MTRCL	By-law 28A	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
023202 – 023234	MTRCL	By-law 28C	
023235 – 024101	Mr WONG Kwok-hing KCRC MTRCL Admin	By-law 28C Discussion on the queuing requirement on railway stations	
024102 – 024251	MTRCL Dr Fernando CHEUNG	By-law 27(b) Discussion on deletion of the words "or attempt to consume".	
024252 – 024410	MTRCL	By-laws 28E, 32A, 34, 39A and 39B	
024411 – 024617	Mr WONG Kwok-hing KCRC Admin	By-laws 39A and 39B	
024618 – 024714	MTRCL	By-laws 39C and 39D	
024715 – 024802	Mr WONG Kwok-hing KCRC	By-laws 39C and 39D	
024803 – 025015	MTRCL	By-laws 41A and 41B	
025016 – 025312	Ms LI Fung-ying MTRCL Admin	By-laws 41A and 41B	
025313 – 025756	MTRCL Chairman	By-law 41C to By-law 41Q	
025757 – 025957	Ms LI Fung-ying MTRCL KCRC	By-laws 41P and 41Q Discussion on the use of the term "without delay"	
025958 – 030044	MTRCL	By-law 41U	
030045 – 030420	Mr WONG Kwok-hing Admin Chairman	By-law 41T Discussion on exempting members of the Chinese People's Liberation Army from the requirement to have a permit for access to the restricted areas	
030421 – 030500	MTRCL	By-law 41T	
030501 – 030816	Mr WONG Kwok-hing Admin	By-law 41T	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
030817 – 031024	MTRCL ALA3	By-law 41T	
031025 – 031137	Mr WONG Kwok-hing MTRCL Chairman	By-law 43	
031138 – 031955	MTRCL	By-law 44A	
031956 – 032339	Mr Abraham SHEK Chairman Admin	The Subcommittee examined the draft MTR (North-west Railway) Bylaw (the NWR Bylaw) section by section By-law 25	
032340 – 032722	MTRCL Admin	By-law 25	
032723 – 033024	Mr Abraham SHEK MTRCL Chairman KCRC	By-law 26	
033025 – 033421	Ms LI Fung-ying Admin MTRCL	By-law 40 Discussion on the exercise of the powers to remove persons from railway premises by railway staff for the purpose of enforcing the MTR By-laws	
033422 – 033833	Dr Fernando CHEUNG Chairman MTRCL	By-law 40 Discussion on the exercise of the power to remove persons from railway premises by railway staff	
033834 – 034235	MTRCL Chairman	Discussion on the review of the penalty levels for offences committed under the NWR Bylaw	
034236 – 034533	Mr Abraham SHEK MTRCL Chairman Admin	Discussion on the review of the penalty levels for offences committed under the NWR Bylaw	
034534 – 034552	MTRCL	Discussion on the review of the penalty levels for offences committed under the NWR Bylaw	
034553 – 035713	Dr Fernando CHEUNG MTRCL KCRC Admin	By-law 27 Discussion on enforcement against display materials on the railway premises	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
035714 – 035912	Mr Abraham SHEK Chairman	By-law 27 Discussion on enforcement against display materials on the railway premises	
035913 – 040205	Admin Chairman ALA3 MTRCL	The Subcommittee examined the draft Kowloon-Canton Railway Corporation (KCRC) (Suspension of Bylaws) Bylaw	
040206 – 040649	Mr Abraham SHEK MTRCL Admin	Discussion regarding the lands granted to KCRC and the right for development of such sites	
040650 – 040729	Admin	Discussion regarding the lands granted to KCRC and the right for development of such sites	
040730 – 041359	Ms LI Fung-ying ALA3 MTRCL Chairman	The Subcommittee examined the draft KCR (Restricted Area) (No.2) (Amendment ) Notice 2007	
<i>Agenda Item III – Any other business</i>			
		The meeting ended at 12:50 pm	

Council Business Division 1  
Legislative Council Secretariat  
1 August 2007