

立法會

Legislative Council

LC Paper No. CB(1)200/09-10
(These minutes have been
seen by the Administration)

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Panel on Transport

Minutes of meeting held on Friday, 17 July 2009, at 8:30 am in Conference Room A of the Legislative Council Building

- Members present** : Hon Andrew CHENG Kar-foo
(Deputy Chairman and Chair of the meeting)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LAU Kong-wah, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Members attending** : Hon James TO Kun-sun
Hon TAM Yiu-chung, GBS, JP
- Members absent** : Hon CHEUNG Hok-ming, GBS, JP (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
- Public officers attending** : **Agenda item II**

Ms Eva CHENG, JP
Secretary for Transport and Housing

Mr Alan K M CHU
Deputy Secretary for Transport & Housing
(Transport) 3

Miss Rosanna LAW
Principal Assistant Secretary for Transport and
Housing (Transport) 2

Mr M R DEMAID-GROVES
Chief Superintendent of Police (Traffic)
Hong Kong Police Force

Ms CHU Ming-po
Senior Superintendent of Police (Adm) (Traffic)
Hong Kong Police Force

Agenda item III

Miss Shirley YUEN
Deputy Secretary for Transport and Housing
(Transport) 2

Mrs Hedy CHU
Principal Assistant Secretary for Transport and
Housing (Transport) 4

Mr Albert YUEN
Assistant Commissioner for Transport/
Bus & Railway
Transport Department

Mr K M WOO
Assistant Director/Railways
Electrical and Mechanical Services Department

Mr Charles WU
Principal Transport Officer/Bus & Railway 2(Acting)
Transport Department

Mr Cyrus WONG
Senior Engineer/WIL 3
Highways Department

MTR Corporation Limited

Mr Henry LAM
General Manager – Kowloon Southern Link/
Tseung Kwan O South

Mr CHOI Tak-tsan
Head of Operating

Mr Eddie SO
Senior Manager – Fare & Business Planning

Ms Ida LEUNG
Senior Manager – External Affairs

Agenda item IV

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Miss Constance CHOY
Principal Assistant Secretary for Transport and
Housing (Acting)

Mr Don HO
Assistant Commissioner/Management & Paratransit
Transport Department

Mr Ken HUI
Chief Transport Officer / Management & Paratransit
Transport Department

Mr Tom TSENG
Senior Engineer/Vehicles Regulations and
Standards
Transport Department

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

As the Chairman was out of town, the Deputy Chairman took over to chair the meeting.

Action

I Information papers issued since last meeting

- (LC Paper No. CB(1)2261/08-09(01) - Submission complaining about bus service in Tai Po from a member of the public
- LC Paper No. CB(1)2261/08-09(02) - Submission complaining about bus route 41 from a member of the public
- LC Paper No. CB(1)2261/08-09(03) - Submission complaining about the service of bus route 270A and railway service from a member of the public
- LC Paper No. CB(1)2261/08-09(04) - Submission making a number of proposals on various traffic and transport arrangements and on tunnel tolls from a member of the public
- LC Paper No. CB(1)2261/08-09(05) - Submission on MTR service)

2. The Deputy Chairman drew members' attention to the letter from Mr James TO to the Chairman of the Panel, proposing a special meeting be held by the Panel(s) concerned to address public concern about a recent Police operation in which motorists' vehicles were used to form a roadblock to stop illegal racing cars on the Kwun Tong Bypass. In particular, Mr TO pointed out in the letter that the Security Bureau and the Police should be requested to explain whether similar practices had been adopted in the past, the existing procedures, guidelines and regulations regarding the setting up of roadblocks, whether the Police's enforcement operations could ensure the safety of the public, and the relevant enforcement and prosecution figures.

3. Members in general agreed that the above public concern should more appropriately be followed up by the Panel on Security as police enforcement was within its purview. Mr Ronny TONG, however, opined that the Panel on Transport could also examine the adequacy of measures to combat illegal car racing in due course while referring the relevant enforcement issue to the Panel

on Security. As proposed by Mr WONG Kwok-hing, members agreed that a joint meeting would be held with the Panel on Security to discuss relevant issues. Ms LI Fung-ying proposed that all Members should be invited to join the discussion. The Deputy Chairman requested the Clerk to convey members' suggestion to the Chairman for consideration.

(Post-meeting note: the Chairman also considered that the relevant issues should more appropriately be followed up by the Panel on Security and the Chairman's view was conveyed to the Clerk to the Panel on Security. The Panel on Security subsequently advised that it would consider how to follow up the relevant issues in October 2009.)

II **Legislative proposals to combat drink driving**

- LC Paper No. CB(1)2237/08-09(01) - Administration's paper on legislative proposals to combat drink driving
- LC Paper No. CB(1)2238/08-09 - Background brief prepared by the Legislative Council Secretariat)

4. STH briefed members on the legislative proposals to further combat drink driving (the legislative proposals). With the aid of Power-point, the Principal Assistant Secretary for Transport and Housing (Transport)2 (PAS/T&H(T)2) briefed members on the legislative proposals which aimed to tighten the drink driving legislation in the following three directions -

- (a) introducing a scale of penalties according to different levels of blood alcohol concentration (BAC) (the proposed sliding scale);
- (b) introducing a new offence of dangerous driving causing grievous bodily harm; and
- (c) bringing in 'aggravating factors' such as drink driving to all dangerous driving cases.

(Post-meeting note: The presentation material was issued to members by e-mail on 17 July 2009.)

The proposed sliding scale

5. Mr WONG Kwok-hing expressed support for the legislative proposals in general. He, however, expressed reservation about the proposed sliding scale on grounds that it might send a wrong message that slightly exceeding the prescribed limit was not a serious offence and hence prompt irresponsible drivers to drink and drive. He pointed out that a driver with lower BAC might

not necessarily be impaired to a lesser extent than another driver with higher BAC. He considered that all drivers involved in drink driving regardless of their BAC levels should be penalized. Mr LAU Kong-wah expressed similar concern about the approach, as it might undermine the effect of the message that "If you drink, don't drive" already implanted in people's minds. He was worried that the sliding scale might send out a wrong message that it was all right for a driver to drink a little since low BAC would be imposed only lenient penalties.

6. In response, STH and PAS/T&H(T)2 made the following points –
- (a) with the proposed sliding scale, the Administration was trying to put across the message that even if a driver drank a small amount, he would be penalized heavily with minimum six-month and two-year driving disqualification respectively upon the first and subsequent convictions. To reinforce the message against drink driving, the Road Safety Council would also launch a thematic campaign against drink drinking in late 2009;
 - (b) With the conduct of random breath tests (RBTs), the message that "if you drink, don't drive" had already taken root as evidenced by the significant drop in the number of drink driving cases and traffic accidents involving drink driving since RBTs had been launched. The conduct of RBTs would continue with geared up publicity. If the current legislative proposals were enacted, offenders concerned would be subject to disqualification for at least two years should their BAC levels exceed 150 mg or more in 100 ml of blood. Upon subsequent conviction the disqualification period would even be a minimum of five years; and
 - (c) The proposed sliding scale was put forward in response to strong support of the public, who considered it fair to impose penalties according to the seriousness of the offence as indicated by the BAC level. In fact, the relevant proposed categorizations were modelled on the legislation of Australia, which was one of the most proactive countries in combating drink driving.

7. The Deputy Chairman stated that Members belonging to the Democratic Party supported the proposed sliding scale, and opined that concerns about sending a wrong message could be addressed by proper publicity.

8. Mr Jeffrey LAM noted that according to a survey conducted by the Administration, some 86% respondents supported the introduction of the proposed sliding scale. In response to his enquiry as to whether the relevant details of the proposal had been explained to the respondents before soliciting their views, PAS/T&H(T)2 replied in the affirmative. She added that not only

were respondents invited to offer their comments regarding the need for a sliding scale, but their views on the appropriateness of the proposed lengths of disqualification periods had also been sought.

9. In response to Mr James TO on the medical or scientific grounds for the proposed categorizations under the proposed grade approach, STH said that according to a report published by the US National Institute on Alcohol Abuse and Alcoholism in 1996, the risk of crash increased as BAC of the driver rose. Compared with drivers who had not consumed alcohol, the risk of fatal crash for drivers with BAC between 50 mg and 90 mg was 11.1 times higher; and for those between 100 mg and 140 mg, 48 times higher; and for those with BAC at or above 150 mg, 380 times higher. At Mr TO's request, STH agreed to provide a copy of the report to the Panel for members' reference.

(Post-meeting note: The report was issued to members vide LC Paper No. CB(1)2687/08-09 dated 29 September 2009.)

10. Mr KAM Nai-wai and Mr IP Wai-ming both considered that the proposed driving disqualification period of six months for first conviction of drink driving at a BAC level of 50 mg to less than 80 mg in 100 ml of blood should be increased to one year. STH responded that disqualification was but one deterrent out of a package of measures (e.g., RBTs) against drink driving. In proposing the scale of penalties for drink driving, the Administration had made reference to overseas practices, and the above proposed six-month disqualification period was already one of the longest among the countries studied. Notwithstanding, the Administration would continue to solicit public views in this regard.

11. Mr Albert CHAN said that while he had no strong views about the proposed sliding scale, he requested the Administration to consider the fact that the impact of disqualification from driving on the livelihood of professional drivers would be far more serious than that on others who committed the same offence but did not rely on driving to make a living. For those who could afford to hire a private driver during the disqualification period, they did not even suffer any inconvenience while being disqualified. Mr CHAN considered that the current proposal that drivers who committed drink driving would be subjected to disqualification across the board was tantamount to class or occupation discrimination. He suggested that instead of disqualification, it would be fairer if all offenders were sentenced to immediate imprisonment upon conviction.

12. STH responded that public discussion on Mr CHAN's proposal would be needed. She highlighted that 18% and 1% of the vehicles involved in drink driving traffic accidents in 2008 were light goods vehicles and medium goods vehicles respectively, and none involved heavy goods vehicles and taxis. This showed that most professional drivers had the professional ethics of not driving

after drinking. She added that the proposed penalty of disqualification enjoyed general support from the public for its effectiveness.

13. Highlighting the increase in the number of fatal traffic accidents involving drink driving, Mr Jeffrey LAM asked why the Administration did not consider raising minimum fines and imprisonment terms for drink driving under the sliding scale. STH and PAS/T&H(T)2 explained that in the past three years, the sentences for drink driving cases in terms of fines ranged widely from \$300 to \$20,000; and periods of imprisonment ranged from five days to four months respectively, depending on the specific circumstances of individual cases. These showed that the court had considerable room to impose heavier penalties under the existing legislation should it see merit in doing so. Moreover, the Administration noted that the penalty of disqualification seemed to have the strongest deterrent effect.

Consecutive implementation of the imprisonment and disqualification terms

14. Ms LI Fung-ying highlighted the need to thoroughly consult the public, especially the stakeholders, to ensure the acceptability of the legislative proposals and their smooth implementation. Referring to paragraph 16 of the Administration's paper, she considered it undesirable for the Administration to only consider including a provision that would give the court the discretion to order consecutive implementation of the imprisonment and disqualification terms in the situation where both the penalties of imprisonment and disqualification from driving were ordered by the court. She considered it necessary for the Administration to clearly state its position on the matter. She was also concerned whether the driver concerned would be required to retake the driving test before he could resume driving after the disqualification period. If so, the Administration should spell out the relevant details such as the conditions under which retaking the driving test would be required, e.g. whether the length of disqualification period would be a consideration.

15. STH responded that the need to order consecutive implementation of penalties had arisen from the sentence meted out in a court case relating to a fatal traffic accident in Sai Kung. In the above case, the judge already adopted the then statutory maximum penalty as a starting point when handing down the sentence. The court also ordered the driver concerned to retake the driving test after the disqualification period. Given the lead time required for obtaining a driving licence and the need to meet the requirement of having held a driving licence for a private car for more than three years to drive a commercial vehicle, it would take nearly seven years in the above case (three-year disqualification plus the above lead time for obtaining a driving licence for commercial vehicles) before the driver concerned could drive again. The Administration would take into account public views in considering the need to provide guidelines on the situations where retaking driving tests would be required, and to include a provision that would give the court the discretion to order consecutive

implementation of the imprisonment and disqualification terms when required. Mr Ronny TONG opined that to ensure that the relevant provision would not be too stringent, certain guidelines should be set. For example, there might be a need to specify that the court should not order consecutive implementation if the imprisonment term was long and exceeded a certain length of period.

16. Ms LI Fung-ying reiterated that clear guidelines should be provided on the conditions under which consecutive implementation of the imprisonment and disqualification terms should be ordered. STH responded that the Administration was consulting the public on the legislative proposals and would take into account public views received in this regard in finalizing the proposals.

17. The Deputy Chairman pointed out that Members belonging to the Democratic Party were of the view that if public opinions were supportive of consecutive implementation of the imprisonment and disqualification terms, it should be clearly laid down in law that the court had to order consecutive implementation of the imprisonment and disqualification terms instead of giving the court the discretion to do so. STH responded that the Administration would listen to members' and the public's views on the current legislative proposals, and would further consult the Road Safety Council and the motoring associations and transport trades in the next few months. The above views would be incorporated where appropriate.

Proposed penalties for dangerous driving

18. Noting that the proposed maximum fine for the new offence of dangerous driving causing grievous bodily harm was \$50,000, Mr KAM Nai-wai opined that the maximum fine for the more serious offence of dangerous driving causing death, which at present was also \$50,000, should be increased to \$100,000. He considered that the minimum disqualification period upon first conviction of the offence of dangerous driving causing death should be increased, while repeat offenders of the same offence should be subject to life ban from driving. Mr Ronny TONG and Mr James TO also considered that the minimum disqualification period upon subsequent conviction of the offence of dangerous driving causing death, even extended to five years as currently proposed, was still too lenient. STH explained that under the current proposals, the proposed disqualification periods were the minimum periods. Depending on the specific circumstances of individual cases, the court had discretion to impose heavier penalties and even life ban from driving.

19. Members in general considered that the penalties specified in the relevant legislation could demonstrate the view of the legislature and the community on the seriousness of the offence concerned, and would be drawn upon as reference by the court in handing down the sentence. STH stressed the need to heed other views in the community and to adopt a phased approach to

allow time for public debate to achieve consensus on increasing the penalties. She invited members to note that the maximum imprisonment term of dangerous driving causing death had only recently been increased from five to ten years in 2008, followed by the introduction of RBTs in February 2009.

20. The Deputy Chairman stated that Members belonging to the Democratic Party considered the proposed minimum disqualification periods upon first and subsequent conviction of dangerous driving too short to achieve any sufficient deterrent effect. He suggested that -

- (a) the minimum disqualification periods upon first and subsequent conviction of dangerous driving should be lengthened to two years and five years respectively;
- (b) the minimum disqualification periods upon first and subsequent conviction of dangerous driving causing grievous bodily harm should be five years and ten years respectively; and
- (c) the minimum disqualification periods upon first and subsequent conviction of dangerous driving causing death should be ten years and life ban from driving respectively.

21. Mr Albert CHAN opined that the maximum imprisonment term of the offence of dangerous driving causing death, which was ten years, was not long enough. He opined that the driver concerned should be charged with manslaughter, which carried much heavier penalties. STH responded that the Police would examine with the Department of Justice the possibility of charging with manslaughter a driver involved in dangerous driving causing death. However, there was a need to note manslaughter's more demanding burden of proof. Mr CHAN further said that he supported extension of the maximum imprisonment term of the offence of dangerous driving causing death to life imprisonment.

Introducing aggravating factors and random breath tests

22. Mr Jeffrey LAM highlighted the proposal to set the penalties for failure to provide specimens of breath when required in a screening breath test, or to provide blood / urine when required for analysis, without reasonable excuse, at the highest level of penalties for drink driving. He enquired if the Administration had examined whether this proposal might infringe on human rights and trigger judicial review. STH responded that drivers who refused to provide specimens of breath or blood/urine when required were at present subject to penalties. The Administration was only proposing to raise the penalties. PAS/T&H(T)2 added that the Legal Policy Division and the Prosecutions Division of the Department of Justice had been consulted and their advice taken into account in coming up with the proposal.

23. Mr TAM Yiu-chung expressed concern that the court seemed to have handed down sentences relatively lenient in most cases involving drink driving. He also expressed concern that, since drug abuse could similarly affect a person's ability to drive, the Administration might need to consider conducting random tests in this regard on top of RBTs.

24. STH responded that the legislative proposals would bring in drink driving an 'aggravating factor' to all dangerous driving cases. The proposal was that the maximum penalty for the circumstance of aggravation (in terms of fine, imprisonment and disqualification period) should be an additional 50% of the maximum penalties provided under the law for the dangerous driving offences. As to concern about the impact of drug on a driver, STH explained that since methods for conducting quick and accurate drug tests had yet to be developed, there would be difficulty in conducting drug tests with drivers. Notwithstanding, according to the current statistics, there was no cause for alarm regarding the effect of drug abuse on driving. This might be because drug abuse was more popular among young people who were below the legal age for driving.

25. In response to Mr TAM Yiu-chung's enquiry on the locations and frequency of RBTs, the Chief Superintendent of Police (Traffic) (CSP(T)) responded that to maintain the deterrent effect of RBTs, they would be conducted at any time and location to make it impossible for drivers to detect the operations. Notwithstanding, the Police conducted RBTs every day and the number of operations conducted was nearing 800. As of the date of the meeting, about 20 000 drivers had already been stopped on the road and 73 drivers would be charged with drink driving as a result.

26. Referring to paragraph 10(b) of the Administration's paper, Mr James TO asked whether independent tests had been conducted to ensure accuracy of the breath testing equipment. CSP(T) responded that the equipment used in Hong Kong was internationally recognized and the best available in the world. It was also very well maintained and regularly calibrated. The Police was confident of its accuracy and reliability. Mr TO, however, stressed the need for independent quality assurance review to ensure the reliability of the equipment. He would like to know that in the course of such review, the respective errors recorded in conducting breath test and urine test separately for a driver whose BAC level was no more than 37 mcg of alcohol per 100 ml of breath.

27. Pointing out that the deterrent effect achieved by RBTs was more than by raising the relevant penalties against drink driving, Mr LAU Kong-wah called for the allocation of more resources to gear up RBT operations. CSP(T) responded that the Police would train more officers and buy more equipment to

maintain the effectiveness of RBTs, and would conduct more RBTs in future as appropriate.

28. Mr James TO requested the Administration to provide details to the Panel on case law on "causing grievous bodily harm", in particular the definition of "causing", and more specifically on who should be held responsible for "causing" the harm if the accident concerned involved consecutive collision of vehicles.

29. Mr IP Wai-ming also opined that the penalties proposed thereunder might still fail to meet public aspirations for heavier penalties for drink driving considering the sentences imposed by the court in the past, which in his view were mostly on the low side. He proposed that the Administration should identify cases for appeal to establish case law with heavier penalties for the court's reference, so that the sentences which they handed down could better reflect the serious damage caused by serious traffic accidents, particularly those involving drink driving. STH responded that it was out of such consideration that the legislative proposals were seeking to raise the minimum penalties for drink driving, to include a provision that would give the court the discretion to order consecutive implementation of the imprisonment and disqualification terms, and to bring in drink driving an "aggravating factor" to all dangerous driving cases.

III Kowloon Southern Link progress update and fares

(LC Paper No. CB(1)2237/08-09(02) -Paper on Kowloon Southern Link progress update and fares from MTR Corporation Limited
LC Paper No. CB(1)2239/08-09 -Updated background brief prepared by the Legislative Council Secretariat)

Comments on the fares for individual stations and feeder bus service

30. Noting that the fares from Austin Station to Hung Hom and to Nam Cheong were \$5.0 and \$4.4 respectively, Mr LAU Kong-wah questioned why the fare to Hung Hom should be higher when the distance covered was similar with that of Nam Cheong from Austin Station. He considered that the MTR Corporation Limited (MTRCL) should adopt the fare structure of the pre-merger Kowloon-Canton Railway Corporation (KCRC), which in his view had a good tradition of paying more attention to public affordability. Justifying the fare for Austin Station to/from Hung Hom, the Senior Manager-Fare & Business Planning, MTRCL (SM-F&BP/MTRCL) said that as the Kowloon Southern Link (KSL) was an extension of the West Rail Line, the fares were set according to the existing fare structure which was a consolidation of the fare structures of

the two pre-merger railway corporations.

31. Mr TAM Yiu-chung pointed out that residents of Tuen Mun and Yuen Long, who mostly belonged to the low-income class, considered the fares proposed for KSL high. For example, it would cost only \$13.3 to go from Tuen Mun to Tsim Sha Tsui by bus but the railway fare would be \$16.8, i.e. \$3.5 more than by bus. Moreover, the existing bus route K16 between Nam Cheong and East Tsim Sha Tsui as the connection between the East Rail and West Rail Lines would cease serving as a free feeder connection when KSL opened for service. The residents were also concerned that the routes and frequency of buses serving Yuen Long would be cut after commissioning of KSL.

32. SM-F&BP/MTRCL responded that the above highlighted railway fare from Tuen Mun to Tsim Sha Tsui was the existing fare and would not change as a result of the opening of KSL. He said that bus route K16 would be cancelled one month after KSL opened because the new railway line could take over from it as the connection between the East Rail and West Rail Lines by enabling passengers to travel between the two lines using a faster and more convenient train service.

33. Mr Albert CHAN considered it unreasonable that the rail journey from Tuen Mun to Tsim Sha Tsui was circuitous, and hence time-consuming and costly. Moreover, as residents complained, while the fare for Tuen Mun to Nam Cheong was \$12.8, that to Austin Station, the next station, was \$17. The above fare difference of more than \$4 was unreasonable. In general, the fares from New Territories West and Tuen Mun to Tsim Sha Tsui and Hung Hom should also be re-examined. SM-F&BP/MTRCL reiterated that the fare for Tuen Mun to/from Tsim Sha Tsui was the existing fare and it had not changed as a result of the commissioning of KSL. As to the above fare of \$17 for Tuen Mun to/from Austin Station, it should be noted that this was the single journey fare, and the Octopus fare was only \$15.8. The fare difference was therefore only \$3, which was common along railway lines.

34. Mr Albert CHAN was unconvinced, and considered it undesirable that while MTRCL was offering its senior management generous remuneration, it had ignored the grassroots' hardship and affordability. The Senior Manager-External Affairs, MTRCL recapitulated SM-F&BP/MTRCL's points above, and emphasized that the fare for Tuen Mun to/from Tsim Sha Tsui (\$16.8) was in fact the existing fare worked out at the rail merger, as a result of which the second boarding charge had been abolished and the fare structure reviewed with the objective of reducing fares. If not for the abolition of the second boarding charge, the fare for Tuen Mun to/from Hum Hom, which straddled the former-KCR system and the former-MTR system, would be at least \$21.4. As to the fare for Tuen Mun to/from Austin Station, it was set at the same level as that to/from Kowloon Station considering that both Austin

Station and Kowloon Station were located in West Kowloon. Mr CHAN considered the above comparison unconvincing, and requested that his strong dissatisfaction with MTRCL's refusal to review the fares for Tuen Mun to/from Tsim Sha Tsui and its disregard of the plight of the grassroots be duly minuted.

35. Mr LAU Kong-wah opined that MTRCL seemed to treat KSL as an extension of the Tung Chung Line, and pointed out that although the fare for a trip of similar distance from Tai Wai to University was only \$3.5, those from Austin Station to Hung Hom and to Nam Cheong were as high as \$5 and \$4.4 respectively. Pointing out that KSL had in fact been planned, constructed and financed as an extension of the West Rail Line, he urged the Administration to study the fares for KSL accordingly. The Deputy Secretary for Transport and Housing (Transport) 2 (DS(T)2) confirmed Mr LAU's observation that KSL should be an extension of the West Rail Line, and explained that the fares for KSL had in fact been set according to the fare structure of the West Rail Line. As such, although fare differences might seem significant in the case of single journey fares, they were less so if the Octopus Card was used. Nonetheless, she agreed to look into the new fares as highlighted by members above.

Monthly passes

36. Mr LAU Kong-wah considered the price at \$470 of the new "Tuen Mun – Hung Hom Monthly Pass" to be issued for travelling between the Tuen Mun and Hung Hom Stations after KSL opened high compared to the existing West Rail Monthly Pass and East Rail Monthly Pass sold at \$400 and \$380 respectively. SM-F&BP/MTRCL responded that the price of monthly pass was not determined according to distance. Moreover, passengers who had purchased the West Rail Line Monthly Pass when it was first issued and continued to purchase it every following month could purchase the new "Tuen Mun – Hung Hom Monthly Pass" at a concessionary price of \$370 only.

37. In reply to Mr WONG Kwok-hing, SM-F&BP/MTRCL advised that the number of passengers buying the existing West Rail Monthly Pass exceeded 40 000. About half of these passes were bought at the concessionary price of \$300. The concession was not available to all because it was offered to retain passengers who had continuously used the rail service concerned for a long time. Declaring interests that he had newly moved into Tuen Mun, Mr WONG considered the above arrangement unfair, and discriminatory against passengers who did not have the need to use the service concerned in the past.

38. Mr WONG Kwok-hing called for the introduction of a monthly pass that could be used on both East and West Rail Lines. SM-F&BP/MTRCL responded that as the proposed pass might not be of use to all, its economic benefits might be limited. Moreover, monthly passes were essentially issued to promote new railway lines. Mr WONG strongly criticized MTRCL for refusing to introduce the proposed pass on grounds that the two railway

corporations had already been merged, the West Rail Line and the East Rail Line would be linked up with the commissioning of KSL. He said that due to the absence of the proposed pass, presently many passengers had to travel from Tuen Mun to Sheung Shui and vice versa by public light bus to save cost. SM-F&BP/MTRCL explained that these passengers could enjoy fare discounts if they purchased both the West Rail Line Monthly Pass and East Rail Line Monthly Pass and store both passes in the same Octopus card.

39. Mr TAM Yiu-chung highlighted Tuen Mun and Yuen Long residents' aspirations for the price of the new "Tuen Mun – Hung Hom Monthly Pass" to be \$400, and for the offer of the West Rail Line Monthly Pass and Day Pass on a permanent basis instead of as a promotion, the continuation of which would be reviewed every year. He further pointed out that Tsuen Wan residents also hoped that a monthly pass for Tsuen Wan West Station to/from Hung Hom could be introduced to encourage more residents in the district to use rail service. Mr LAU Kong-wah shared his view on the need to review the price of the new "Tuen Mun – Hung Hom Monthly Pass".

40. SM-F&BP/MTRCL responded that it was only reasonable for the price of the new "Tuen Mun – Hung Hom Monthly Pass" to reflect the expansion of coverage to include three more stations, namely, Austin Station, East Tsim Sha Tsui and Hung Hom. DS(T)2 echoed his view, and added that as compared to the existing West Rail Monthly Pass sold at \$400, the new "Tuen Mun – Hung Hom Monthly Pass" would only cost \$70 more though covering three more new stations. SM-F&BP/MTRCL further explained that continuation of monthly passes would be reviewed from time to time because they were introduced for promotional purposes. MTRCL did not consider it desirable to introduce the proposed monthly pass for Tsuen Wan West Station to/from Hung Hom because the number of passengers so benefited would be relatively small.

Concerns about the implications of MTRCL's monopoly on railway fares

41. Mr LEE Wing-tat expressed concern about the difficulty in urging MTRCL to offer fare concessions after the rail merger, which gave MTRCL monopoly in the provision of rail service. In response to members' concerns about fares expressed at this meeting, SM-F&BP/MTRCL reiterated that the fares for KSL had been determined according to the existing fare structure. A new "Tuen Mun – Hung Hom Monthly Pass" would also be issued for travelling between the Tuen Mun and Hung Hom Stations to encourage more passengers to use the new KSL line. MTRCL therefore did not have any plan at the moment to revise the proposed fares and promotional offers.

42. Noting the above response, Mr LEE Wing-tat and Mr Albert CHAN expressed regrets that MTRCL lacked sincerity in consulting the Panel on the fares for KSL and had failed to note that many Tuen Mun residents were the grassroots. SM-F&BP/MTRCL responded that MTRCL was willing to

consider the views of different sectors. However, in proposing the fares and promotional arrangements for KSL, MTRCL had strictly followed the existing fare structure. As such, while members' views would be taken into serious consideration, it might not be appropriate to commit at this stage to revise the present proposed arrangements. MTRCL however had always been reviewing promotional offers in response to market changes, members' views and passengers' requests.

43. Highlighting MTRCL's monopoly and refusal to provide more fare concessions, Mr Albert CHAN and Mr LEUNG Kwok-hung opined that MTRCL should not be allowed to go private, so that profits made would not be paid to its shareholders as dividends or to its senior staff as bonus and, instead, could be used as fare concessions to benefit the travelling public.

Other views and concerns

44. In reply to Mr WONG Kwok-hing, the Head of Operating, MTRCL (HO/MTRCL) advised that KSL would commence service before September 2009.

45. Mr WONG Kwok-hing noted that to cope with the change in the travelling patterns of passengers with the commencement of service of KSL, the frequency at peak hours of the West Rail Line would be enhanced to 3 minutes from 3 minutes 30 seconds, while that of the East Rail Line would be maintained at 2 minutes 45 seconds. In reply to him on why the train frequencies of the two railway lines could not be aligned, HO/MTRCL responded that before KSL was commissioned, trains that ran on the West Rail Line during the peak hours were only 40% loaded, and the rate would become 39% after KSL opening and the proposed frequency increase. Given the above loading figures, it was considered that the proposed train frequency for the West Rail Line was appropriate.

46. Mr WONG Kwok-hing expressed concern that the above frequency difference would cause platform congestion at Hung Hom Station because passengers would then have to wait for trains from the other line. HO/MTRCL responded that since the frequency difference was only 15 seconds, passengers should be able to board the train when they reached the interchange platform. At the initial stage of operation of KSL, MTRCL would deploy service ambassadors at selected stations along the East Rail and West Rail Lines and trains to provide assistance to passengers in familiarizing with the new train service arrangements. Publicity and public education in this regard would also be geared up.

47. Mr WONG Kwok-hing highlighted the lack of audio/visual broadcast service on the Tung Chung Line trains and called for improvements. HO/MTRCL responded that the issue was already under examination for

improvement.

Motion

48. Mr Albert CHAN moved the following motion which was seconded by Mr WONG Kwok-hing –

"本會對港鐵九龍南線票價偏高表示強烈不滿，並要求港鐵應重新檢討九龍南線的票價，特別是新界西至尖沙咀及紅磡的票價。"

(Translation)

"That this Panel expresses strong dissatisfaction with the high level of fares for the Kowloon Southern Link (KSL) of MTRCL and requests MTRCL to re-examine the fares for KSL, particularly the fares for journeys from New Territories West to Tsim Sha Tsui and Hung Hom."

49. The Deputy Chairman put the motion to vote. Six members voted in favour of the motion, and no members voted against it. The Deputy Chairman declared that the motion was passed. The Administration was requested to provide a written response.

(Post-meeting note: the Administration's written response was issued to members vide LC Paper No. CB(1)2523/08-09 dated 31 August 2009.)

(To allow sufficient time for discussion, the Deputy Chairman extended the meeting by 30 minutes.)

IV Safety of taxi drivers and installation of safety devices in taxis

(LC Paper No. CB(1)2237/08-09(03) - Administration's paper on safety of taxi drivers and installation of safety devices in taxis)

50. Mr IP Wai-ming highlighted the concern of The Hong Kong Federation of Trade Unions, in particular the Motor Transport Workers General Union under it, about the problem of assault on and robbery of taxi drivers, which totaled 17 from January to May 2009. Highlighting the need to enhance the safety of taxi drivers, he proposed that the Administration should, as in the case of the Mainland, prohibit passengers travelling alone from sitting next to the taxi driver during a certain period at night. For example, from 7:00 pm to 7:00 am the next morning.

51. The Under Secretary for Transport and Housing (USTH) responded that

the Administration was equally concerned about the above cases and had been closely liaising with the trade on preventive measures. The Administration had no objection in principle to the installation of anti-robbery transparent plastic partitions inside taxis as long as their installation would not affect the safety of taxi drivers and passengers, or the normal operating conditions of the taxi. During the inspections of taxi vehicles, the Transport Department (TD) would examine the plastic partitions. As to the legislative proposal to prohibit passengers travelling alone from sitting next to the taxi driver during a certain period at night, the Administration was consulting the trade and studying overseas experience. The initial feedback was that the proposed prohibition might not effectively protect taxi drivers because passengers at the back could still assault them. Of the eight overseas cities which had responded to the Administration's enquiries, none had such statutory prohibition. Mr LAU Kong-wah agreed that the prohibition might not be of much use.

52. Mr WONG Kwok-hing opined that the Administration should clearly lay down the specifications of the plastic partition. If not, partitions fitted might need to be dismantled if found non-compliant with the required standards during taxi inspections, and the taxi drivers concerned would suffer from financial loss. In response, USTH explained that the present arrangement could obviate the need to seek approval for installation and encourage creativity. The Assistant Commissioner for Transport/Management & Paratransit (AC for T/M&P) added that there were already basic guidelines in this regard as follows and so far no problems in complying with them had been identified during taxi inspections –

- (a) The plastic partition had to be securely mounted in the compartment to minimize any displacement or deformation under normal operating conditions of the taxi;
- (b) Edges or flanges of the plastic partition had to be wrapped with soft materials, leaving no sharp edges or corners; and
- (c) The fee tray (if any) of the partition had to be wrapped properly with soft materials along the rim.

53. Mr WONG Kwok-hing enquired whether the Administration would encourage night shift taxi drivers to install radio systems inside taxis to keep in contact with radio call centres, so that drivers could seek assistance from radio call centres via radio systems when needed. USTH responded that some of the radio call centers were already communicating with their members through established code signals.

54. Highlighting the pros and cons of the various proposals to enhance the safety of taxi drivers, Mr LAU Kong-wah opined that the most feasible and less intrusive option seemed to be the radio system, and urged the Administration to

actively pursue the option. AC for T/M&P responded that the Administration would encourage the trade to further explore the option. It was understood that the Police was also providing advice to the trade on how to improve the effectiveness of the system. Mr LAU opined that TD should take the lead and actively help line up relevant departments such as the Innovation and Technology Commission and tertiary institutions to develop and enhance the feasibility of the system. Mr Albert CHAN echoed Mr LAU's views, and said that the Administration should further play a co-ordinating role to ensure the installation of the system in all taxis. The system should also have global positioning function and, to avoid passing on the cost so incurred to taxi drivers, the Administration should require the installation of the radio system in new taxis only. In his view, this would be a better approach than installation of partitions as the latter might affect Hong Kong's image.

55. Mr Albert CHAN expressed strong opposition to the proposal made by some members of the trade to install closed circuit television systems inside taxis for the purpose of crime prevention on grounds that such an act was very privacy intrusive.

V Any other business

56. There being no other business, the meeting ended at 11 am.