

立法會

Legislative Council

LC Paper No. CB(1)2122/08-09

Ref : CB1/PL/TP

Report of the Panel on Transport for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Transport during the 2008-2009 legislative session. It will be tabled at the Council meeting on 8 July 2009 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by a resolution passed by the Legislative Council (LegCo) on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to transport matters. The terms of reference of the Panel are at **Appendix I**.

3. The Panel comprises 18 members, with Hon CHEUNG Hok-ming and Hon Andrew CHENG Kar-foo elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is at **Appendix II**.

Major Work

Transport infrastructure

Hong Kong-Zhuhai-Macao Bridge

4. Hong Kong-Zhuhai-Macao Bridge (HZMB) is one of the 10 major infrastructure projects announced by the Chief Executive (CE) in the 2007-2008 Policy Address. As a major strategic cross-boundary project, HZMB is unprecedented in terms of scope, scale and complexity. The governments of Hong Kong, Guangdong and Macao had earlier reached an agreement for each of them to be responsible for the construction of the Hong Kong Boundary Crossing Facilities (HKBCF) and link roads within their own

territory. The three governments subsequently further agreed to take up the responsibility for the construction of the HZMB Main Bridge. A total contribution of RMB ¥15.73 billion, which was about 42% of the project cost of the Main Bridge, would be made by the three governments and the Central People's Government towards the construction of the Main Bridge, with the remaining funding to be financed by loans.

5. The Panel had been following up the progress in the planning of and funding arrangement for the HZMB project. On 19 December 2008, the Panel was consulted on the proposal to seek funding support for the preliminary design and site investigation for the HZMB Main Bridge at an estimated cost of \$233.5 million in money-of-the-day (MOD) prices. On 24 April 2009, the Panel was also consulted on the proposals to seek funding support for the detailed design and construction of the HZMB Main Bridge at an estimated cost of \$9,046.5 million in MOD prices and for the detailed design and site investigation for HKBCF at an estimated cost of \$621.9 million in MOD prices. The Panel in general supported early implementation of the HZMB project. In discussing the proposals, the Panel highlighted the need for the three governments to devise measures which would be conducive to boosting the patronage of HZMB, in order to maximize the economic value of the bridge. To increase the vehicular flow of HZMB and boost the Hong Kong economy, some members suggested that the Administration should examine with the Mainland authorities issuing temporary quotas of driving licences to Mainland residents to enable them to travel to Hong Kong via HZMB.

6. The Administration informed the Panel that it had engaged a consultant to recommend arrangements for regulating cross-boundary vehicles after the commissioning of HZMB, taking into consideration traffic safety, security and environmental issues. It was the consensus of the three governments to set tolls as low as possible to encourage vehicular flow of HZMB. Their latest estimate was that the toll level might well be set at around RMB ¥100 for private cars and RMB ¥200 for lorries. The Administration and the Guangdong authorities had also reached a preliminary agreement to pursue a trial scheme on one-off ad hoc quotas to be implemented at the Shenzhen Bay Port as soon as possible, starting with Hong Kong private cars to be issued such quotas first and then followed by Guangdong private cars at a later stage. The trial scheme, if implemented successfully, would pave the way for future implementation at HZMB.

7. Being concerned about the impact of increasing private cars from Mainland and Macao on Hong Kong's road system, some Panel members suggested that the Administration should actively consider the provision of Park-and-Ride facilities in North Lantau so that drivers could change to use the Airport Express for travelling to the urban areas. The Administration agreed to explore the suggestion.

8. The Panel noted that the preliminary design and site investigation for the HZMB Main Bridge had commenced in mid-March 2009 and was targeted for completion in late 2009. It was the three governments' plan to commence in phases the construction works of the HZMB Main Bridge within 2009 for completion by 2015-2016. Panel members requested the Administration to maximize creation of jobs for local companies and workers when implementing the HZMB project and related infrastructural projects, such as HKBCF, Hong Kong Link Road (HKLR), Tuen Mun Western Bypass (TMWB) and Tuen Mun-Chek Lap Kok Link (TM-CLKL). The Administration advised that the implementation of HKBCF, HKLR, TMWB and TM-CLKL projects was expected to create about 18 000 jobs.

9. In response to the Panel's concern about synchronization of the HZMB project with TMWB, the Administration affirmed that HKBCF and HKLR would be completed at about the same time as TMWB and TM-CLKL, so as to allow the early formation of a strategic highway network for Northwest New Territories and Lantau. The arrangement was to cope with future local traffic demand and provide the much-needed second land route to the Hong Kong International Airport.

Central Kowloon Route

10. The Panel reviewed the latest progress of the consultancy study for Central Kowloon Route (CKR), which was a new strategic road link connecting the Yau Ma Tei Interchange in West Kowloon with the Kai Tak Development Area and Kowloon Bay. Members considered that the implementation of the project, being scheduled for completion in 2016, was too late and they urged the Administration to expedite the implementation. Members were also concerned about the possible air and noise impacts caused by the Western Tunnel Portal of CKR on local residents. The Administration advised that CKR's dual three-lane configuration should help avoid large-scale congestion at its Western Tunnel Portal. Moreover, the air impacts arising from the CKR project would be controlled to within the limits under the Environmental Impact Assessment Ordinance (Cap. 499).

11. As regards residents' request for retrofitting the sections of the Ferry Street Flyover fronting Prosperous Garden with noise barriers, the Administration advised that as these sections were not affected by the construction of CKR and would not be reprovisioned, there would be technical difficulties in retrofitting these sections with noise barriers. The Administration would explore the implementation of other practical and effective mitigation measures at these sections in collaboration with the Environmental Protection Department and the relevant District Council (DC). The Administration undertook to address residents' concerns in taking forward the project.

Road safety

Service of summonses under the Driving-offence Points system

12. It was reported by the media in 2008 that some drivers had tried to circumvent the Driving-offence Points (DOP) system by avoiding receiving summonses issued under the existing legislation and any disqualification order made against them. According to the Administration, as at end January 2009, the number of drivers who incurred 15 DOPs or more to whom summonses could not be served was about 650. To tackle the problem, the Administration devised legislative proposals to amend the relevant legislation with a view to enhancing the mechanism for the service of summonses under the DOP system. The proposals were submitted to the Panel for consultation on 28 November 2008.

13. While the Panel was supportive of the proposals, some members were concerned about the need for taking more stringent measures against drivers who had accumulated 15 or more DOPs and failed to appear in court to answer summonses, such as empowering the Commissioner for Transport (C for T) to suspend the driving licences of such drivers, in view of the danger they posed to the public. The Administration advised that it was necessary to strike a balance between ensuring road safety and safeguarding a person's rights for a fair hearing. The Administration, therefore, did not intend to pursue the option of automatically suspending a driver's driving licence through administrative means.

Wearing seat belts

14. Following a series of traffic accidents involving deaths of drivers as a result of failure to wear seat belts that occurred in early 2009, the Panel reviewed adequacy of the existing measures implemented by the Administration to tackle the problem of passengers/drivers not wearing seat belts.

15. While members noted that the numbers of casualties involving drivers who were found not wearing a seat belt at the time of an accident in the past five years were generally decreasing, the Panel urged the Administration to step up efforts in promoting general awareness of the importance of wearing seat belts. Some members suggested measures, such as raising the penalties for non-compliance and installation of exterior seat belt display lights, which would provide a visible warning signal if the occupants of a motor vehicle failed to wear seat belts. Members also pointed out that many passengers on public light buses (PLBs) operating on expressways did not wear seat belts. They suggested that the Police should conduct more undercover operations to enhance deterrent effect.

16. The Administration advised that the Police regularly conducted

territory-wide operations targeting the offence of 'failing to wear a seat belt'. The Administration considered that as all exterior lights of a vehicle had road safety implications, the impact of the proposed display lights on road safety would have to be carefully assessed. The Administration pointed out that some 50% of PLBs were already equipped with seat belts. As more PLBs would be replaced, the percentage would increase and all PLBs would be equipped with seat belts in due course. The Police also advised that it had been stepping up enforcement against long distance PLBs.

Safety of public light buses

17. A fatal accident involving a PLB occurred on 13 June 2009, causing two pedestrians to die and seven injured. The accident aroused wide public concern about the safety of PLB operation. The Panel discussed the relevant issues including measures to enhance road safety and specific measures for PLBs on 26 June 2009. Members were dissatisfied with the lack of progress made by the Administration in exploring the installation of "blackbox" (i.e. a vehicle monitoring system) and speed limiter on PLBs. Members were also concerned about the need to enhance law enforcement and undercover operations against speeding of PLB drivers as well as to review the existing bus/green minibus (GMB) stop arrangements along Mong Kok Road, with a view to releasing road spaces for improvement of the layout of the junction between Sai Yeung Choi Street South and Mong Kok Road. Some members were concerned whether the existing pay structure of PLB drivers had prompted them to maximize number of trips for higher pay.

18. At the request of the Panel, the Administration undertook to submit reports at quarterly intervals on the above issues and provide further information on the pay structure of PLB drivers. The Administration also undertook to improve the bus/GMB stop arrangements along Mong Kok Road in consultation with the Yau Tsim Mong DC within four months' time.

Drink driving

19. Since the commencement of provisions relating to drink driving under the Road Traffic Legislation (Amendment) Ordinance 2008 on 9 February 2009, police officers are empowered to require drivers to conduct random breath tests (RBTs). The Police reported the result and effectiveness of RBTs to the Panel on 26 June 2009. The Panel noted that between February and May 2009, drink driving cases decreased by 37% and traffic accidents involving drink driving decreased by 65% compared with the same period in 2008.

20. A serious traffic accident in which six men were killed occurred on 23 January 2009. The driver causing the accident was arrested for drink driving and dangerous driving causing death. The traffic accident aroused wide

public concern about the need to increase penalties on drink driving offences for punitive purposes and a stronger deterrent effect. In response to public demand for imposing heavier punishments on drink driving offenders, the Administration conducted consultation with all the key stakeholders in February 2009. After the consultation, the Administration announced that it was considering introducing a scale of penalties according to different extent of drink driving, a new offence of “dangerous driving causing serious bodily harm”, as well as "aggravating factors" to all dangerous driving offences.

21. In the light of views received during the public consultation, the Administration has formulated specific legislative proposals. The Panel has scheduled to discuss the proposals at its meeting on 17 July 2009.

Bus fire/smoke incidents

22. The Panel was gravely concerned about the three franchised bus fire/smoke incidents on 10 December 2008 and discussed safeguards against recurrence of similar incidents with the Administration and the franchised bus companies concerned. While the Administration concluded that the three fire/smoke incidents were not due to maintenance deficiency and all were isolated incidents, members remained concerned about the adequacy of the existing maintenance programme for buses. They sought assurance as to whether the bus companies concerned had cut resources for their maintenance programmes.

23. The Administration advised that it had obtained the bus companies' confirmation that there had been no reduction in maintenance resources in recent years. To address members' concern, the Administration would step up surprise spot checks of buses operating on the road, in order to ensure the quality of the bus companies' maintenance. The Administration would also continue to closely monitor the servicing and maintenance programmes of the franchised buses and to hold regular meetings with the bus operators to review bus examination results. The Administration pointed out that all franchised buses that provided service to passengers had to meet the safety requirements under the law and pass the Transport Department (TD)'s stringent inspections. The franchised bus companies assured members that they had been maintaining stringent maintenance standards and regularly meeting with the manufacturers to ensure that the bus body materials used met required safety standards.

24. TD was currently working with the bus companies and bus manufacturers to explore a number of options, such as installing automatic fire extinguishers and strengthening the fire protection zone with a view to further enhancing the safety of franchised bus operation. At the suggestion of members, the bus companies undertook that they would also strengthen the conduct of bus fire drills to ensure safe evacuation of passengers.

Public transport fares

Fare concessions

25. In mid-December 2008, the announcements respectively made by MTRCL and the four franchised bus companies to cease the offer of fare concessions to the elderly on Sundays and public holidays aroused wide public concern. In response to public concern, the franchised bus companies subsequently re-introduced fare concessions to the elderly for one more year and MTRCL announced a new promotional offer to the elderly from 1 January to 31 August 2009. The Panel held a special meeting on 8 January 2009 to discuss the subject of fare concessions with the Administration and representatives of the public transport operators concerned.

26. Panel members were dissatisfied that under MTRCL's new promotional offer, the HK\$2 flat fare for the elderly originally offered on Sundays and public holidays was changed to Wednesdays and public holidays with effect from 1 January 2009. As Sunday was a family day, the cancellation of the discount on Sundays would discourage the elderly from joining outdoor activities with their family members. MTRCL explained that the changes made were to allow the elderly more choices in the transport means as bus companies were already providing discounts on Sundays. Panel members, however, were of the view that if fare discounts were given, MTR would be the preferred transport means to the elderly for travelling long distances. MTRCL agreed to review the new arrangements in the light of the general feedback on the new promotional offer for the elderly.

27. Members also considered that the franchised bus companies should not cancel the offer of the "Same Day Return" discount at a time of falling oil prices and economic decline. The representatives of the bus companies explained that they could no longer afford offering the concession after evaluating their operating environment and financial situation. The Administration advised that it would continue to encourage the public transport operators to offer fare concession to passengers, but the extension of individual fare concession schemes remained a commercial decision of the companies concerned.

28. The Panel passed a motion at the meeting on 8 January 2009 urging these public transport operators to offer concessionary fares to the elderly on a permanent basis, and that the franchised bus companies should continue to offer the "Same Day Return" discount while MTRCL should continue to offer interchange fare concessions to ferry passengers.

29. Following the rail merger, MTRCL extended the expiry of the existing East Rail Line Monthly Pass and West Rail Line Monthly Pass promotions to 30 June 2009. In May 2009, MTRCL further decided to extend the

promotions for one year until 30 June 2010.

Fare adjustment of MTRCL

30. Upon the rail merger on 2 December 2007, MTRCL had committed not to increase fares on or before 30 June 2009, and that future adjustment to fares of MTRCL would be determined based on an objective and transparent Fare Adjustment Mechanism (FAM). Panel members expressed the view that raising fares at a time of economic difficulties would be unacceptable. MTRCL announced in May 2009 that according to the calculations under FAM using the latest figures provided by the Census and Statistics Department (C&SD), there would be no adjustment to MTR fares in 2009.

NT taxi fare adjustment application and charging according to meters

31. Following the introduction of fare adjustment for urban taxis and Lantau taxis on 30 November 2008, the Administration consulted the Panel on 11 December 2008 regarding the fare adjustment application made by NT taxi associations proposing to increase the flagfall fare by \$2 from \$13.5 to \$15.5, and increasing the incremental charge by \$0.1 to \$1.3 before 8 km. From 8 km onwards, the incremental charge was to be reduced to \$1.

32. The Panel received views from 13 deputations from the taxi trade and noted that a large majority of them supported the fare adjustment application. While the Panel was supportive of the proposed fare adjustment, some members considered that the new fare structure of "raising short-haul fares and lowering long-haul fares" might not be effective enough in curtailing discount gang activities. They proposed that the Administration should introduce legislation to ensure payment of metered fares. In response to the Panel's request, the Administration undertook that it would study overseas experience in this regard and further collect views from the taxi trade.

33. The Administration completed its study in May 2009 and submitted its findings to the Panel for discussion on 22 May 2009. According to the Administration, the taxi trade generally considered that the fare adjustments had a positive impact on the income of drivers. As to whether legislation should be enacted to regulate charging according to meters, the Administration pointed out that trade members had expressed diverse views on the matter. According to the Administration, relatively more members of the urban and NT taxi trades supported such course of action, while some of their members expressed reservation. The Lantau taxi trade objected to the proposal. The Administration was of the view that making fare bargaining a criminal offence would be controversial and enacting legislation was not an effective means to eliminate the problem of fare bargaining. The Administration considered that the problem of fare bargaining had already been alleviated since the implementation of new fares, and the discounts offered to passengers had dwindled.

34. Some Panel members, however, remained of the view that legislation should be enacted to regulate charging according to meters. They disagreed that the problem of discount gang activities could be tackled through the market mechanism, as the media reported that there was still room for the operation of discount gangs. The Panel will hold a further meeting in September 2009 to listen to the views of the taxi trade on the impact of the fare adjustments and measures to tackle the problem of discount gangs.

Bus fare adjustment mechanism

35. Under the existing arrangement for the adjustment of franchised bus fares, the Administration takes into account a basket of factors in determining the fare level. The outcome of the fare adjustment formula¹ is among one of these factors. The Government will initiate a comprehensive fare review if the formula outcome reaches -2%. In late March 2009, the Government announced that the bus fare adjustment formula outcome was -3.03% taking into account the nominal wage index for the transport services sector in December 2008 released by C&SD on 26 March 2009. However, C&SD subsequently announced on 15 April 2009 that there was miscalculation of the wage figures of the transport services sector used in the bus fare adjustment formula. In the light of the rectified nominal wage index for the transport services sector in December 2008, the Government re-calculated the bus fare adjustment formula outcome. The revised quarterly bus fare adjustment formula outcome was -1.26%, which had not yet reached the -2% triggering point for the review of bus fares. The incident had aroused wide public concern. The Panel discussed the matter on 24 April 2009.

36. According to C&SD, some establishments provided in the Labour Earnings Survey only raw information which had to be converted by manual computation before they could be used for compiling average wages. A C&SD staff member made a mistake in performing manual computation on some types of allowances among different occupations, and the subsequent checking procedures also could not correct the error. This had resulted in the miscalculation of the wage figures of the transport services sector.

37. Some members considered the conversion of raw information by manual computation undesirable, and proposed that the Administration should impose a statutory requirement on public transport operators to provide C&SD with computed figures in place of raw information. These members were concerned that raw information, which covered different types of allowances for different categories of staff, was confusing and could be manipulated to avoid reaching the triggering point for bus fare review.

¹ Calculation of the formula is : 0.5 x Change in Nominal Wage Index for the Transport Services Sector + 0.5 x Change in Composite Consumer Price Index – 0.5 x Productivity Gain

38. The Administration undertook to consider members' suggestion and step up efforts in preventing recurrence of similar incidents. Members noted that C&SD had implemented a series of enhancement measures, e.g. strengthening the sensitivity of data quality checks as well as enhancing the data verification process and staff training.

Road traffic management

Measures to rationalize utilization of Build-Operate-Transfer tunnels

39. In view of the public concern about the uneven distribution of tunnel traffic, particularly the traffic congestion at the harbour crossings, the Panel discussed measures to improve the utilization of the existing four Build-Operate-Transfer (BOT) tunnels, namely, the Eastern Harbour Crossing (EHC), the Western Harbour Crossing (WHC), the Tate's Cairn Tunnel and Route 3.

40. In October 2008, there were revelations of the involvement of Citic Pacific, which held 70.8% and 35% shares of EHC and WHC respectively, in unauthorized currency deals. The market value of the Company's shares slashed as a result. Panel members considered that it was high time to buy back Citic Pacific's stakes in EHC and WHC in order for the Administration to have greater control over the tolls.

41. The Administration informed members that it had commissioned a one-year consultancy study on this issue. The Administration aimed to find a long-term solution that was feasible in transport, financial and legal terms, and develop strategies for possible negotiations with the franchisee concerned in the future.

42. Some members strongly considered that the proposed consultancy study was not necessary and might delay the process of negotiation for buying back of the tunnels. The Administration advised that information on traffic volume and estimated value of the tunnels to be compiled by the Consultant would be necessary for the discussions with the franchisee, and that the consultancy study and the negotiations with the franchisees would proceed in parallel.

43. Some members considered that the failure to subject the toll adjustments of WHC and EHC to the approval of LegCo was the main cause of uneven traffic distribution among the three harbour crossings. They called upon the Administration to refrain from adopting the BOT mode to deliver roads and tunnels in future. Some other members, however, considered that the Administration should make reference to overseas experience of successful implementation of the BOT mode. Some members suggested that the Administration should examine the feasibility of establishing a Tunnels and Bridges Authority to own and manage all tunnels and bridges, including the

BOT tunnels if bought back.

Proposed Speed Map Panels in NT and progress update on the Intelligent Transport Systems

44. The Panel supported the proposed construction of five Speed Map Panels (SMPs) in NT to provide real-time traffic information to facilitate motorists to make informed route choices. As SMPs were newly introduced in Hong Kong, some members considered that the Administration should consider installing more SMPs after ascertaining their effectiveness to motorists. The Administration indicated that installation of additional SMPs would be considered at the next stage taking into account the benefits brought by the proposed SMPs after installation.

45. As regards the progress of implementation of Intelligent Road Network in Hong Kong, the Panel noted that the installation of the Transport Information System, a centralized data warehouse for the collection, processing and dissemination of comprehensive transport information, was completed in 2008 whereas their application for public use was being launched by phases in 2009.

Private Driving Instructors' Licences

46. The Panel had been monitoring the new mechanism for issuing new Private Driving Instructors' (PDI) licences implemented in 2001. Under the system, PDI licences are organized into three groups². The number of valid PDI licences as at November 1999 for the three groups of vehicles are used as benchmarks. The triggering point for C for T to consider issuing new PDI licences for a particular group is when the number of valid licences falls below the benchmark by 10%. C for T conducts a review at two-year intervals on the number of driving instructors' licences for PDIs, before he determines the number of new licences to be issued each time.

47. The Administration reported to the Panel the outcome of its biennial review and consulted members on its proposal to issue new PDI licences up to the benchmark in each group. The Panel supported the Administration's proposal. Some members, however, urged the Administration to consider the strong view of the sector that the restriction imposed on Groups 2 and 3 PDIs from providing instruction to learner drivers of Group 1 vehicles should be lifted. These members highlighted the sector's proposal that the present three groups of PDI licences should be merged into one. At the request of the Panel, the Administration undertook to study the merger proposal making reference to

² PDI licences were divided into 3 groups: Group 1: Private Cars and Light Goods Vehicles; Group 2: Light Buses and Buses; Group 3: Medium Goods Vehicles, Heavy Goods Vehicles and Articulated Vehicles.

overseas experience.

Pedestrian facilities

48. The Panel had been following up measures to improve the pedestrian environment. As announced in the 2008-2009 Policy Address, the Administration would establish an assessment system for the provision of hillside escalator links and elevator systems. The assessment system aims at providing a comprehensive set of objectives and transparent evaluation criteria in determining the merits and priority of proposals on hillside escalator links and elevator systems. In this connection, TD had commissioned a consultancy study to establish the proposed assessment system. With reference to the existing assessment criteria used in Hong Kong, the consultant proposed an assessment system comprising an initial screening and a scoring system. The Panel discussed the proposed assessment system with the Administration and received views from concern organizations and district groups.

49. Members generally agreed to the assessment criteria. Some members suggested that places where public housing estates (PHEs) clustered should be accorded with priority for consideration under the assessment system. The Administration pointed out that as PHEs entailed high population and a relatively large size of elderly population, which were amongst the evaluation criteria under the proposed scoring system, a proposal involving PHE clusters should score high marks under the assessment system.

50. The Administration aimed at finalizing the proposed assessment system in the second half of 2009. The Panel will further discuss the progress of taking forward the assessment system in the next legislative session.

Railway matters

51. Railways play a key role in Hong Kong's transport system strategy. A subcommittee was formed under the Panel to continue to follow up on matters relating to railway planning, implementation and operation³. The work of the Subcommittee is detailed in its report at **Appendix III**.

52. The Panel was briefed on the latest progress of the Tseung Kwan O (TKO) Extension (Phase II), fares and new service arrangements of the TKO Line. The construction of the 3.5km TKO Extension (Phase II) commenced in 2006. It bifurcates at TKO Station, running south to LOHAS Park Station, which is scheduled to open in mid-2009. Upon the opening of LOHAS Park Station, a new "3+1" service pattern will be launched (i.e. every 3 out of 4 trains will be running from Po Lam to North Point while the fourth one will be

³ According to the terms of reference of the Subcommittee, matters relating to corporate governance of the post-merger MTRCL and fares should be dealt with by the Panel.

running from LOHAS Park to North Point).

53. Some members expressed concern that upon opening of LOHAS Park Station and implementation of the new "3+1" service pattern, the headway of trains for Po Lam Station and Hang Hau Station during peak hours would change from 2 minutes 40 seconds at present to 2.5 minutes/2.5 minutes/5 minutes. These members enquired whether the frequency of trains running between TKO Station and North Point Station could be enhanced to 2 minutes 10 seconds per train (i.e. number of trains increased to 28 in every hour).

54. MTRCL explained that taking into consideration the current patronage on the TKO Line from Po Lam Station towards North Point and given the single-platform design at Po Lam Station, there were practical constraints preventing MTRCL from further enhancing train service frequency for the section between Po Lam Station and TKO Station. Nevertheless, MTRCL undertook that it would closely monitor the passenger flow and deploy appropriate measures to ensure a smooth flow of passengers.

55. The Panel also followed up the complaints made by MTRCL staff about changes introduced by the Corporation to staff salary and benefits. The Panel discussed the issue at two meetings and listened to views expressed by seven railway staff unions. Members reminded MTRCL of its obligation to honour the commitment made by the two pre-merger railway corporations to safeguard staff's existing salaries and benefits associated with each staff member's existing grade, and to maintain the same working hours for staff under the new grading structure after the rail merger. Members demanded the Administration to urge MTRCL to properly handle the dissatisfaction expressed by the railway staff unions and to discuss with them the various concerns about the work-related arrangements and allowances.

56. MTRCL advised that it had provided job security to more than 8 000 frontline staff and provided salary protection for all staff as committed in the context of the rail merger. Non-managerial staff enjoyed additional protection on salary scale. MTRCL explained that with regard to working arrangements such as rosters, rest time, rest day and meal break as well as work-related allowances, the Corporation had to align them based on the operational needs after the rail merger. Notwithstanding the alignments made, the various arrangements after the merger were comparable to those before the merger.

57. The Panel passed the following motion at the meeting on 26 June 2009 –

“That this Panel strongly condemns the Government for its failure to strictly monitor the fulfillment by MTRCL of the undertakings it made at the merger and MTRCL's wrongful discrimination against its staff unions; urges this Panel to summarize the allegations made by MTRCL's seven staff unions of MTRCL's breach of the undertakings and follow them up one by one, so as to perform the Legislative

Council's role in monitoring how protection for staff is ensured after the merger; and requests the attendance of Ms Eva CHENG, the Secretary for Transport and Housing (STH), and Mr C.K. CHOW, the Chief Executive Officer of MTRCL, at the meeting(s) to be held to follow up the above-mentioned matters.”

The Panel decided to further discuss the issue in September 2009 and to invite STH and the Chief Executive Officer of MTRCL to attend the relevant meeting.

58. The Panel will follow up on the progress update of the Kowloon Southern Link (KSL) and fares to and from Austin Station of KSL to stations of other MTR lines at the July meeting.

Other issues

59. The Panel received a briefing from the Administration on CE's Policy Address in 2008. The Panel also discussed a staffing proposal to create two Chief Engineer posts in the Highways Department and the funding proposals on the following infrastructure projects -

- (a) Tseung Kwan O–Lam Tin Tunnel (TKO-LT Tunnel) and Cross Bay Link;
- (b) Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling; and
- (c) Reconstruction and improvement of Tuen Mun Road; and
- (d) Traffic improvements to Tuen Mun Road Town Centre Section.

Meetings held

60. During the period from October 2008 to June 2009, the Panel held a total of 12 meetings, and the Subcommittee on Matters Relating to Railways held a total of eight meetings.

Legislative Council

Panel on Transport

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to transport.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy area prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Transport**

Membership list for 2008 - 2009 session

Chairman	Hon CHEUNG Hok-ming, GBS, JP
Deputy Chairman	Hon Andrew CHENG Kar-foo
Members	Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP Hon LAU Kong-wah, JP Hon Miriam LAU Kin-yee, GBS, 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-yee, GBS, JP
	(Total: 18 members)
Clerk	Ms Joanne MAK
Legal Adviser	Mr Kelvin LEE
Date	2 July 2009

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**Report of the Subcommittee on Matters Relating to Railways
for submission to the Panel on Transport**

Purpose

This report gives an account of the work of the Subcommittee on Matters Relating to Railways (the Subcommittee) during the 2008-2009 legislative session.

The Subcommittee

2. The Panel on Transport (the Panel) decided at its first meeting in the current session on 14 October 2008 to form a subcommittee to oversee matters relating to railways. The terms of reference and membership of the Subcommittee are at **Appendices I and II** respectively.
3. Under the chairmanship of Hon Miriam LAU, the Subcommittee has held eight meetings with the Administration and the MTR Railway Corporation Limited (MTRCL).

Major work

4. The Subcommittee has followed up on the work of the former Subcommittee on Matters Relating to Railways formed in the last Legislative Council (LegCo) term in 2004-2008. In the current session, the Subcommittee has discussed the progress of various railway projects with the Administration and MTRCL as detailed in the ensuing paragraphs.

Kowloon Southern Link (KSL)

5. KSL will link Nam Cheong Station to East Tsim Sha Tsui Station, connecting the West Rail Line (WRL) and the East Rail Line (ERL). The new 3.8-kilometer (km) long rail link will have one intermediate station at West Kowloon – Austin Station. KSL is expected to come into operation in the second half of 2009.

6. The Administration and MTRCL briefed the Subcommittee at its meeting on 21 November 2008 on the progress of KSL and the Administration's plan to consult the concerned District Councils (DCs) about the proposed public transport service plan to tie in with the opening of KSL. In examining the Administration's plan on the pedestrian connectivity of Austin Station of KSL with its neighbouring area, members have emphasized to the Administration the need to look after the convenience of the railway/ferry travellers carrying luggage during rainy or inclement weather traversing between Austin Station and China Hong Kong City (CHKC) or the Airport Express Kowloon Station. Members consider it rather inconvenient for passengers at Austin Station heading to CHKC to have to first access the existing public pedestrian Austin Road Subway, and walk along a footpath of 150 metres without any cover from the subway exit to CHKC. Members also consider it far from satisfactory that passengers at Austin Station heading to Kowloon Station can only make use of the existing Jordan Road Footbridge and walk through a shopping mall to Kowloon Station. The Subcommittee has also conducted a visit to Austin Station to understand whether adequate facilities are in place to meet passengers' needs.

7. The Administration has subsequently informed members that, in the light of members' views, the Transport Department (TD) will widen the footpath linking the subway and CHKC to 3.5 metres wide, whereas the Highways Department will improve the paving along the footpath to make the walk for passengers with small baggage more pleasant.

8. Members, however, maintain that a direct subway link between Austin Station and CHKC should be provided and urge the Administration to explore providing such a direct subway link at a site adjacent to CHKC, which is now reserved for the West Kowloon Cultural District (WKCD). Members have requested that before such a subway connection is provided, a cover should be provided on the footpath linking Austin Road Subway and CHKC. In response to members' request, the Administration has undertaken to provide a temporary cover over the existing footpath. The cover installation together with the footpath widening/repaving works will be completed before the commissioning of KSL.

9. Members note that the Transport and Housing Bureau has commenced discussion with the WKCD Office on how to incorporate a pedestrian connection between Austin Station and CHKC through the site currently reserved for WKCD. In addition, MTRCL is working with TD to see if the existing Green Minibus services could be enhanced with stops near Austin Station and CHKC with fare concessions provided for the railway passengers.

10. In response to members' concern about the pedestrian connectivity between Austin Station and other railway stations nearby (Kowloon Station and Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) Terminus), the Administration has advised that MTRCL is studying a proposal to have the three railway stations interconnected by subways with travellators and footbridges. The study result will be available when the design of the XRL terminus is finalized towards the end of 2009. In the interim, in order to facilitate the interchange arrangement for KSL passengers, MTRCL has proposed to provide an additional stop for the existing Airport Express Shuttle Bus Service at Austin Station and will submit an application to TD.

West Island Line (WIL)

11. The WIL scheme was gazetted under the Railways Ordinance (Cap. 519) on 26 October 2007. To make clear that the existing piles and foundations of most of the buildings covered by the scheme will be excluded from the underground strata resumption, corrections to the scheme were gazetted on 9 January 2009. The Administration briefed the Subcommittee on the amendments to the scheme at its meeting on 31 March 2009. The Subcommittee also received views from deputations at that meeting.

12. The Subcommittee was consulted on the funding arrangements for WIL at its meetings on 1 and 4 June 2009. The Administration informed the Subcommittee that MTRCL had submitted the latest financial proposal for WIL in February 2009 indicating an upsurge in the capital cost for the railway project as compared with the estimate made in November 2007. The then estimated capital cost for the project was \$8.9 billion (January 2006 prices), and the funding support to MTRCL required for the implementation of the project was estimated to be \$6 billion (Net Present Value (NPV) at January 2007). The revised estimate, as compared with that in November 2007, is listed below -

Estimate in Oct 2007 Latest Estimate in Feb 2009

(a) Capital Cost	\$8.9B (Jan 2006 prices)	\$15.4B (Dec 2008 prices)
(b) Funding Gap	\$6.0B (NPV at Jan 2007)	\$12.7B (NPV at Jun 2009)

13. The increase in the capital cost of \$6.5 billion (\$15.4 billion - \$8.9 billion) is attributed to -

- (a) \$2.2 billion due to increase in the scope of works for the railway; and
- (b) \$4.3 billion due to price escalation within the construction sector over the three-year period covered by the estimating dates.

14. As regards the funding gap, it is calculated based on the following formula:-

$$\text{Funding Gap} = \text{NPV of expenditure} - \text{NPV of revenue}$$

The total funding support to MTRCL is \$12.7 billion (NPV at June 2009).

15. Subcommittee members have expressed grave concern whether MTRCL has under-estimated the revenue of WIL and over-estimated the funding support required. The Administration has explained that the revenue has been estimated based on input assumptions including projected population and employment figures, fare structure and so on. With the Rail Merger taken place in 2007, a series of fare reduction took effect in December 2007. When the original project cost estimate for WIL was prepared in October 2007, these fare reductions were not taken into account. Moreover, the increase in population and employment projection for 2016 according to the latest forecast will slow down, and this also has impact on the revenue from WIL.

16. Some members including Hon Andrew CHENG, Hon WONG Kwok-hing and Hon LI Fung-ying have expressed concern whether the projected population/employment data are on the conservative side without taking into account the development in the district brought about by WIL. Hon LI Fung-ying has also pointed out that the Rail Merger has achieved an overall staffing synergy for MTRCL, which should also be taken into account in calculating the cost estimate.

17. In response to members' concern, the Administration has advised that the

non-fare revenue of WIL has been checked by an independent engineering consultant whereas the fare revenue has been checked using the well-established Railway Development Study computer model. The Administration has advised that it is keen to safeguard public interest and has proposed a claw-back mechanism whereby the funding gap will be re-assessed within two years after WIL has commenced operation. Any over-estimation of the contracts leading to over-assessed funding support, if any, will be returned to Government with interest. In case of overshooting in expenditure, the excess will be borne by MTRCL. So, MTRCL will have to bear the risk of further cost overrun. In other words, the funding gap represents the maximum commitment of the Government financial support to MTRCL for the WIL project.

18. Members have also urged the Administration to actively address the concerns expressed by the local community, particularly the air and visual impacts of proposed ventilation shafts at Hill Road and Bonham Road, and the effects of blasting. MTRCL has explained that the air coming from railway ventilation shafts does not contain any undesirable emissions, and MTRCL will explore all possible ways to minimize the size of the Hill Road ventilation shaft to address residents' concern. MTRCL will also enforce stringent risk control and safety measures to ensure the delivery, use and storage of explosives are safely operated during the construction. The Subcommittee passed the following motion at the meeting on 4 June 2009 -

"That this Subcommittee strongly requests the immediate implementation of WIL project and the re-examination of its financial arrangement with MTRCL by the HKSAR Government as its long-term work objectives, and urges MTRCL to re-examine the way it handles the issues in connection with the ventilation shafts and blasting works, so as to address the worries of the residents."

Guangzhou-Shenzhen-Hong Kong Express Rail Link (Hong Kong Section)

19. XRL is an express rail service, which will link up Hong Kong, Shenzhen and Guangzhou. The Hong Kong Section will run from the terminus in West Kowloon, going north passing Yau Tsim Mong, Sham Shui Po, Kwai Tsing, Tsuen Wan, Yuen Long and the boundary at Huanggang, where it will connect to XRL Mainland section. The Administration plans to start construction of the Hong Kong Section XRL at the end of 2009 for completion in 2015-2016.

20. At its meeting on 14 May 2009, the Subcommittee received views from deputations, who were mainly concerned about the compensation for land

resumption, provision of an intermediate station and the impact of the works on the environment. The major bone of contention was the Administration's plan of setting up an emergency rescue station (ERS) and stabling sidings at Shek Kong of Yuen Long, which has necessitated land resumption and clearance at Choi Yuen Tsuen at Shek Kong. Many affected residents attended the Subcommittee meeting and expressed strong objection to the proposed land resumption and clearance. They criticized that the public consultation on the proposed alignment and railway facilities of XRL only lasted for two months after the gazettal of the Hong Kong Section of XRL on 28 November 2008, and very little information had been provided to the affected residents, such as the alignment of the Hong Kong Section which was not clearly set out.

21. The Administration has explained that in planning the location of ERS, the extent of study areas covers the flat areas of the entire Kam Tin and Pat Heung. Shek Kong is located approximately in the midway of the whole XRL alignment between West Kowloon and Futian in Mainland. Setting up an ERS at Shek Kong will enable effective response to incidents inside the tunnel at different locations. In addition, the proposed site is well served by major roads, low-lying, flat and extensive allowing rescue teams to reach ERS conveniently and evacuation of train passengers. The Administration has assured members that the concerned government departments will continue to work with MTRCL on the detailed design of XRL, and will timely consult the Legislative Council (LegCo), the concerned DCs and Rural Committees. At the request of the Subcommittee, the Administration has undertaken to maintain close liaison with the local communities to solicit their views and to keep the residents informed. The Administration has advised that it will deal with the issue of compensation in accordance with established land policy and relevant legislation.

22. Members have emphasized that the Administration and MTRCL should engage in close dialogue with the affected residents and consider their views and requests as far as practicable. The Subcommittee has urged the Administration to make every endeavour to address affected residents' concerns and provide details of the project and necessary assistance to them. The Subcommittee has also decided to schedule a meeting around late September 2009 for further discussion on the matter.

23. Members have requested the Administration to consider the views expressed by some deputations that the Hong Kong Section of XRL should have an intermediate station in the New Territories (NT) North in order to maximize the economic benefits brought about by the new railway. The Administration has, however, pointed out that provision of an intermediate station in NT will extend the journey time, and also reduce the duration during which the trains can

maintain at high speed. The Administration therefore do not recommend provision of an intermediate station.

24. Subcommittee members have also urged the Administration and MTRCL to fully address concerns about the impact on the environment during construction, as it is expected that a large amount of construction waste and rock will be created given the long length of the proposed railway. MTRCL has undertaken that it will assess the impact of XRL on the environment during construction and in its daily operation in accordance with the Environmental Impact Assessment (EIA) Ordinance, and will propose mitigation measures in the EIA report. The Subcommittee has noted that the Environmental Protection Department will not issue an environmental permit for the construction of XRL unless it is satisfied with the EIA report. The EIA report, when available, will also be presented to the concerned DCs and Rural Committees.

South Island Line (East) (SIL(E))

25. SIL(E) will be a seven-km long medium capacity railway, running between Admiralty and South Horizons with intermediate stations at Ocean Park, Wong Chuk Hang and Lei Tung. MTRCL commenced the preliminary planning and design of SIL(E) in February 2008. The Administration is in discussion with MTRCL on the detailed scope and implementation programme of the project. The Administration intends to commence construction of the railway in 2011 for completion and commissioning in 2015.

26. The Subcommittee discussed the current position in the planning of the proposed SIL(E) with the Administration and MTRCL at its meeting on 16 January 2009. The Subcommittee further received views from deputations on the project at its meeting on 15 May 2009. Most members are disappointed with the decision not to provide a station in Happy Valley. Some members have requested the Administration to take into consideration the long-term benefits brought to the community and to the commercial development at Happy Valley by provision of a Happy Valley Station, which is justified in view of the heavy pedestrian traffic between Causeway Bay and Happy Valley on race days and public holidays, as well as the long-term population growth. Some members have suggested construction of a Happy Valley subsidiary railway line and that the frequency of trains on this line will be increased only on race days.

27. The Administration has advised that it has seriously considered the option for a station in Happy Valley taking into account factors like patronage, construction cost, implementation timetable and disturbance to the locals during construction. Different locations for a station in Happy Valley have been

examined, but all options will lead to a longer alignment and additional construction time. The increase in journey time will also lower the economic benefits of SIL(E). As there are also strong calls for the early commencement of construction of SIL(E), the Administration on balance has decided not to provide a station in Happy Valley.

28. The Administration has also advised that since it is expected that the patronage of Happy Valley Racecourse Station during non-race days will not be high, provision of a subsidiary railway line will have adverse impact on the transport and economic benefits of the entire project. However, in the light of the Subcommittee's views, the Administration will study the feasibility of the construction of two pedestrian subways linking the heart of Causeway Bay with the busy streets bordering Happy Valley (one linking the existing pedestrian subway in Sports Road with Victoria Park via the heart of Causeway Bay and MTR station; the other linking the re-developments in Caroline Hill with Yun Ping Road). TD will soon commission a consultancy study on the subway scheme and DCs concerned will be consulted.

29. Members share the concern expressed by deputations about the noise and visual impacts of the proposed viaduct section between the toll plaza of Aberdeen Tunnel and Lei Tung Estate. Some residents are worried that the viaduct section will affect the development of the district and request a change to using tunnels instead. MTRCL has explained that the adoption of a tunnel option would result in a lot of difficulties and drawbacks. In particular, part of the Aberdeen Channel will have to be closed for three years in order to construct the tunnel section across the Channel. This will adversely affect the operation of the nearby Aberdeen Typhoon Shelter. The dispersal of the contaminated materials due to dredging of the marine deposit within the Typhoon Shelter during the construction will have impact on the water quality there.

30. As for the concern about the structural form of the viaduct to match with the surroundings, the Administration will consult the Advisory Committee on Appearance of Bridges and Associated Structures and DC concerned so as to arrive at a design that could accommodate the views of different parties concerned. MTRCL has assured members that it will spare no effort in finding an aesthetically acceptable viaduct structural form in harmony with the Wong Chuk Hang surroundings. MTRCL has also undertaken that it will develop mitigation measures to address any noise impact.

31. Members have requested MTRCL to note the public's suggestions on the locations of entrances for stations at South Horizons and Lei Tung and to take these into consideration in the course of detailed design of the stations. At the

request of the Subcommittee, the Administration and MTRCL have undertaken that they will continue to take residents' suggestions into account and will address their concerns throughout the planning of SIL(E).

Shatin to Central Link (SCL)

32. SCL comprises two railway lines with a total length of 17 kilometres: the Tai Wai to Hung Hom Link connecting the Ma On Shan Line, KSL and West Rail Line to form an east-west strategic railway corridor; and the cross harbour section from Hung Hom to Central extending the East Rail Line to Central to form a north-south strategic railway corridor. Along SCL, there will be six interchange stations.

33. The Subcommittee discussed the progress of the project with the Administration and MTRCL on 31 March 2009 and also listened to views expressed by deputations at the meeting. Members in general share deputations' views that Hin Keng Station should be provided to help alleviate congestion at Tai Wai Station. Acknowledging the need for railway transport in Hin Keng area, the Administration has undertaken to incorporate the proposed Hin Keng Station in the railway scheme.

34. As regards the concern about improving the footbridge system in Tsz Wan Shan and the connectivity with Diamond Hill Station since a Tsz Wan Shan Station will not be provided, the Administration has advised that a feasibility study has been conducted on the options put forward. The DCs and local communities will be consulted after the Administration has finalized a proposal.

35. Members have urged the Administration to address concerns about the preservation of the three historical structures namely, the Old Pillbox, the Former Royal Airforce Hangar and the Stone House, at the former Tai Hom Village site where the SCL depot will be developed. The Administration has advised that it will study how these built heritages may integrate with the future development above the depot and nearby, when reviewing the design of the SCL depot. The Wong Tai Sin DC will be further consulted on the matter.

36. The Subcommittee has also discussed with the Administration the request for the Central South Station. The Administration has advised that it will review the matter after a decision has been made on the future land use of the site currently occupied by the Central Government Offices, so as to better match the future developments in the area. In response to the Subcommittee's request, MTRCL has undertaken that in the course of design of various stations, it will take into consideration the public's request that locations of the station entrances

should be user-oriented, with a view to providing convenient pedestrian connection with residential areas nearby. The Administration and MTRCL have indicated that they will stay in close touch with the various DCs and local communities for further consultation, prior to completion of the preliminary design of the project in 2009.

Kwun Tong Line (KTL) service disruption on 8 December 2008 and review of recent railway incidents

37. Following the occurrence of the KTL service disruption incident on 8 December 2008, causing delay to more than 18 000 commuters for more than three hours, the Subcommittee held an urgent meeting on 16 December 2008 to review MTRCL's incident handling procedures. Members were gravely concerned that deployment of emergency buses was arranged only an hour after the KTL service disruption. Members were deeply dissatisfied with the fact that MTRCL had spent almost an hour to identify the cause of the incident on 8 December 2008, while passengers were stranded on the train for about 45 minutes. Although a red alert was already issued at 7:30 pm that evening in anticipation of a delay in passenger service, the public was not notified of a service suspension between Kwun Tong and Tou Keng Leng Stations in both directions on the Kwun Tong Line until 8:13 pm.

38. According to the MTRCL's investigation, the cause of the incident was related to an Overhead Line (OHL) isolator, which should normally be locked in the closed position, was locked in the open position. A closed isolator connects two sets of overhead lines and is normally kept in the closed position to balance the voltage. However, the isolator concerned was left locked in the open position after the last maintenance on 10 November 2008, and this was not discovered until the occurrence of the incident on 8 December 2008.

39. Members are of the view that MTRCL should disseminate information to passengers in a timely manner in railway incidents to facilitate passengers' consideration of taking other modes of transport. As the KTL incident was caused by the misplacement of an OHL isolator by outsourced staff, members have also expressed concern about the need to enhance MTRCL's monitoring of its outsourced maintenance activities and to ensure the contractor staff meets the required standard.

40. In response to members' concerns, the Administration has reviewed with MTRCL and come up with enhanced measures. MTRCL has undertaken that in future, MTRCL will, within 20 minutes after the outbreak of an incident, advise

passengers to consider taking other modes of transport if the service disruption is expected not to be recovered in the next 20 minutes. If MTRCL takes less than 20 minutes to assess and concludes that the service disruption cannot be recovered in the next 20 minutes, it will advise passengers immediately without waiting for 20 minutes after the outbreak of an incident.

41. In the light of the KTL incident in which more than one hour had been taken for the arrangement of emergency buses for passengers, MTRCL has undertaken that in future, the Corporation will arrange for emergency buses to be on standby once Red Alert is issued. When service suspension is confirmed, full call out of emergency buses will be arranged. The timing to arrange emergency buses to be on standby will be much advanced under the new arrangements.

42. As regards outsourcing of maintenance activities, MTRCL has come up with new checking procedure for isolators and enhanced monitoring system for outsourced maintenance works. Members have also sought the confirmation of MTRCL regarding its media notification arrangement. MTRCL has assured members that it will continue to notify the media of service disruption incidents as far as possible so that passengers can consider taking other modes of transport. During peak hours or in a situation where a service disruption is expected not to be recovered within a short time, the Corporation will notify the media as early as possible. At the request of the Subcommittee, MTRCL has also provided an account of railway incidents occurring in the past six months. Members have expressed serious concern about the frequency of recurrence and urged the Administration to ensure improvements are made by MTRCL to the Administration's satisfaction as soon as possible.

Installation of platform screen doors

43. MTRCL has informed the Subcommittee that it aims to complete the Automatic Platform Gates (APGs) retrofit work at all the eight at-grade and aboveground stations (i.e. Tsuen Wan, Kwai Fong, Kwai Hing, Heng Fa Chuen, Chai Wan, Kowloon Bay, Ngau Tau Kok and Kwun Tong Stations) of the pre-merger MTR system by 2012 as scheduled. The Subcommittee has requested MTRCL to expedite the works as far as possible. In response, MTRCL has advised that the installation works at Heng Fa Chuen Station will be completed first. Installation for the seven remaining stations will be completed by 2012, with some in 2011.

44. On the installation of automatic platform gates (APGs) at ERL stations, members have expressed strong dissatisfaction with MTRCL's failure to provide a completion date for installation of APGs. Members have pointed out that when

the subject was last discussed by the Subcommittee on 4 May 2007, the then Kowloon-Canton Railway Corporation (KCRC) informed members that a trial on Mechanical Gap Fillers (MGFs) was planned to commence at Lo Wu Station in February 2008 for completion by September 2008, and another five years would be needed to install APGs at all KCRC stations. In the light of the information provided, the Subcommittee passed a motion at that meeting requesting the then KCRC to complete the installation of APGs by 2013.

45. MTRCL has explained the technical problems to be addressed and stressed that, if APGs are provided without installation of MGFs, the wide platform gaps between a train and a curved edge at ERL stations might pose a risk to boarding and alighting passengers. MTRCL has informed members that sufficient test data for analysis and assessment on the performance of the MGFs will be ready by September 2009, and a full review will be completed by the end of 2009. At the Subcommittee meeting on 21 November 2008, members passed the following motion -

"That this Subcommittee expresses strong dissatisfaction with and condemnation of the failure of the Government and MTRCL to fulfil their promise to provide a concrete timetable for the installation of platform screen doors; and strongly requests the Government to press MTRCL to expedite the installation of platform screen doors."

To follow up the matter, the Subcommittee conducted a visit on 13 December 2008 to Lo Wu Station to observe the on-going trial on MGFs and the relevant technical issues.

Review of the MTR By-laws and North-west Railway (NWR) By-laws

46. In mid-2007, the then Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger, having scrutinized the draft MTR Bylaws and NWR Bylaws, approved the proposed amendments and highlighted a number of areas that needed to be addressed. MTRCL undertook to conduct a comprehensive review of the amended bylaws taking into account the experience of operating the integrated railway system after the Merger as well as the views expressed by that Subcommittee. MTRCL has completed the review. The Administration has examined the outcome of the review and provided its assessment of the main areas covered in the review for consultation with the Subcommittee.

47. Members have made suggestions on various issues. Hon James TO and Hon Ronny TONG have expressed the view that in relation to the offence of "use of abusive language", a clear definition of "abusive language" should be provided under the bylaws for the purpose of clarity. They have suggested that use of abusive language should be defined along the line that a person commits an offence if he, by use of threatening, abusive, obscene or offensive language, incites violence or discrimination towards another passenger, or if he does so to insult, threaten or disturb another passenger.

48. Some members have questioned why MTRCL allows noisy TV broadcast and advertisements on ERL trains but penalizes passengers for creating noise generated from radios. MTRCL has pointed out that this bylaw is found in most transport-related bylaws/regulations in the world. Passengers are not prohibited from listening to, e.g. radio or MP3, provided that they do not play it loudly or they listen through earphones. MTRCL has also advised that the noise generated from the TV broadcasts on ERL trains cannot exceed the level limit as specified in an agreement entered into by the Administration and MTRCL. Regular audits are carried out to check compliance with the specified noise level limit.

49. Members note that MTRCL has proposed to reduce the penalty for the offence of "improper dressing" from \$5,000 to \$2,000. According to MTRCL, the intent of this bylaw is to prevent passengers from being impacted on as a result of others' extremely dirty clothing, and is commonly found in transport-related bylaws/regulations in the world. Hon James TO considers the existing definition of "improper dressing" under the relevant provisions is unclear and has queried how the line should be drawn in considering whether a passenger's clothing is "liable to soil" under the existing definition. MTRCL has agreed to take into account members' comments and suggestions in preparing the amendments to the bylaws for submission to LegCo.

Recommendation

50. The Panel is invited to note the work of the Subcommittee.

Council Business Division 1
Legislative Council Secretariat
30 June 2009

Panel on Transport

Subcommittee on Matters Relating to Railways

Terms of Reference

To follow up various issues relating to the planning and implementation of new railway projects, and the operation of existing railways as follows:

Planning and implementation of new railway projects

- (a) planning and financing of new railway projects;
- (b) environmental impact assessment of new railway projects;
- (c) resumption of land arising from the implementation of new railway projects under the Railways Ordinance (Cap. 519);
- (d) progress update on the implementation of new railway projects;
- (e) provision of supporting public infrastructure for new railway projects; and
- (f) co-ordination of public transport services arising from the commissioning of new railway lines.

Railway operation

- (a) performance of existing railway lines including train service performance and safety management;
- (b) maintenance programme; and
- (c) train service disruptions and breakdowns, and arrangements for handling emergency situations.

Matters relating to corporate governance of the post-merger corporation and fares should be dealt with by the Panel on Transport.

**Legislative Council
Panel on Transport**

Subcommittee on Matters Relating to Railways

Membership list for 2008-2009 session

Chairman	Hon Miriam LAU Kin-ye, GBS, JP
Members	Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP Hon LAU Kong-wah, JP Hon Andrew CHENG Kar-foo Hon Abraham SHEK Lai-him, SBS, JP Hon LI Fung-ying, BBS, 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 CHEUNG Hok-ming, GBS, JP 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
	(Total: 17 members)
Clerk	Ms Joanne MAK
Legal Adviser	Mr Kelvin LEE
Date	2 July 2009