

立法會

Legislative Council

LC Paper No. CB(1)2844/09-10
(These minutes have been seen
by the Administration)

Ref: CB1/PS/1/08/1

Panel on Transport

Subcommittee on Matters Relating to Railways

Minutes of meeting on Friday, 4 June 2010, at 8:30 am in Conference Room A of the Legislative Council Building

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

**Public Officers
attending**

: Agenda item III

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mrs Hedy CHU
Principal Assistant Secretary for Transport and Housing

Mr Albert YUEN
Assistant Commissioner/Bus & Railway
Transport Department

Miss Alice AU YEUNG
Principal Transport Officer/Bus & Railway
Transport Department

Agenda item IV

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mr C W CHOW
Principal Assistant Secretary for Transport and Housing

Mr WAN Man-lung
Principal Government Engineer/Railway Development
Highways Department

Agenda item V

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mr C W CHOW
Principal Assistant Secretary for Transport and Housing

Mr WAN Man-lung
Principal Government Engineer/Railway Development
Highways Department

Attendance by invitation

: Agenda item III

MTR Corporation Limited

Mr David FLEMING
Deputy Legal Director

Mr CHOI Tak-tsan
Head of Operating

Mr Jeff LEUNG
Senior Manager – External Affairs

Mr Jonothan ABBOTT
Barrister and MTR Drafting Consultant

Agenda item IV

MTR Corporation Limited

Mr Henry LAM
General Manager – SCL/KTE

Miss Maggie SO
Senior Manager – Projects and Property Communications

Agenda item V

MTR Corporation Limited

Mr Wilfred YEUNG
Chief Architect

Miss Maggie SO
Senior Manager – Projects and Property Communications

Clerk in attendance :

Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance :

Mr Kelvin LEE
Assistant Legal Advisor 1

Mr Ken WOO
Council Secretary (1)2

Miss Angela LAM
Legislative Assistant (1)5

Action

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- I Confirmation of minutes of meeting**
(LC Paper No. CB(1)2071/09-10 — Minutes of the meeting held on 16 April 2010)

The minutes of the meeting held on 16 April 2010 were confirmed.

- II Information papers issued since last meeting**
- (LC Paper No. CB(1)1707/09-10(01) — Submission from a member of the public on rail merger
- LC Paper No. CB(1)1707/09-10(02) — Submission from 米埔村高鐵關注組 opposing to the alignment of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link along the village
- LC Paper No. CB(1)1707/09-10(03) — Administration's reply letter dated 19 April 2010 to the letter dated 26 March 2010 from Matauwai Residents Association (LC Paper No. CB(1)1572/09-10(01)) on the Shatin to Central Link project
- LC Paper No. CB(1)1707/09-10(04) — Submission from a member of the public on the design of MTR stations
- LC Paper No. CB(1)1778/09-10(01) — Submission from a member of the public on the design and facilities of MTR stations
- LC Paper No. CB(1)1778/09-10(02) — Administration's reply letter dated 5 May 2010 to the further submission dated 8 March 2010 from 翔龍灣業主委員會 (LC Paper No. CB(1)1388/09-10(04)) on the Shatin to Central Link project

- LC Paper No. CB(1)1940/09-10(01) — Submission from Democratic Alliance for the Betterment and Progress of Hong Kong (Kowloon City Branch) on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(02) — Submission from The Federation of Hong Kong & Kowloon Labour Unions on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(03) — Submission from Hong Kong Association for Democracy and People's Livelihood on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(04) — Submission from the Office of Kowloon City District Councillor Ms CHAN Lai-kwan on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(05) — Submission from the Office of Kowloon City District Councillor Mr CHO Wui-hung on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(06) — Submission from the Office of Kowloon City District Councillor Ms SIU Yuen-sheung on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(07) — Submission from Estate Owners' Committee of Laguna Verde on the Kwun Tong Line Extension project
- LC Paper No. CB(1)1940/09-10(08) — Submission from a Mr YAU enclosing the Administration's reply letter dated 30 April 2010 to him on the Kwun Tong Line Extension project)

2. Members noted the above papers which had been issued since the last regular meeting.

III Review of the Mass Transit Railway By-laws and Mass Transit Railway (North-west Railway) Bylaw

(LC Paper No. CB(1)2089/09-10(01) — Administration's paper on MTR Bylaw Review

LC Paper No. CB(1)2088/09-10(01) — Extract from minutes of meeting on 16 January 2009)

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

4. Mr Abraham SHEK declared that he was an Independent Non-executive Director of the MTR Corporation Limited (MTRCL). Ms LI Fung-ying declared that being a resident in the New Territories, she mainly relied on railway service as the means of transportation for her.

5. Members noted the proposed amendments to the Mass Transit Railway By-laws (MTR By-laws) (Cap. 556B) and Mass Transit Railway (North-west Railway) Bylaw (NWR Bylaw) (Cap. 556H). MTRCL advised that the proposed amendments had incorporated comments expressed by the Subcommittee at previous meetings. These amendments reflected the Corporation's undertaking to align the two sets of bylaws in order to eliminate inconsistencies, duplication and obsolescence, and ensured that the amended bylaws reflected all post merger operating procedures and the current law.

MTRCL 6. Members raised the following major concerns on the draft bylaws and requested MTRCL to take follow-up actions –

- (a) to consider adding provisions to clearly stipulate the responsibility of MTRCL regarding the refund of overcharged fares to passengers concerned;
- (b) to provide the Corporation's guidelines on the exercise of discretion by staff on the waiver of a surcharge imposed on passengers travelling First Class without paying a premium in advance, and a paper on the relevant policy; and
- (c) to provide information on the training for MTRCL staff on the enforcement of the bylaws and the approach of the enforcement work (e.g. the procedures and whether staff concerned would be required to wear identity cards), including enforcement of the bylaws which prohibits consumption of food.

(Post-meeting note: The supplementary information provided by MTRCL was issued vide LC Paper No. CB(1)2906/09-10(01) on 27 September 2010.)

Action

7. While a member raised the following points on the draft bylaws, the Chairman said that these should be examined by the subcommittee which might be set up to study the bylaws –

- (a) to explain the definition of "publicity" in the context of "display or exhibit or cause to be displayed or exhibited any printed, written or pictorial matter or any article for the purpose of advertisement or publicity", and consider defining "publicity" in such a way that the relevant activities were linked to commercial purpose;
- (b) to review the wording "distract an official in or from performing the official's duties" in the proposed amendment to MTR Bylaw 28H(1) and clarify what constituted an act of distracting an official; and
- (c) to explain the rationale of the proposed prohibition of using any voice recording or image recording equipment and review the need for imposing such prohibition.

8. MTRCL also responded to members' enquiries on –

- (a) the rationale of raising the penalty level and imprisonment terms for infringement of MTR Bylaw 35 and NWR Bylaw 31 on compliance with traffic signs; and
- (b) whether, instead of amending MTR Bylaw 28 just by repealing "sole discretion" and substituting "discretion", consideration should be given to stipulating the principles that would be taken into account by staff concerned in the exercise of discretion.

ALA1 9. At the suggestion of Mr Albert CHAN, the Chairman requested Assistant Legal Advisor 1 (ALA1) to –

- (a) provide information on any other private companies which were also authorized, like MTRCL, to draft bylaws and deploy staff to enforce the bylaws (including prosecuting offenders); and
- (b) advise whether or not the granting of such power to a private company was in line with legal principles.

IV Funding application - Protection works for Shatin to Central Link (SCL) in Wan Chai Development Phase II

(LC Paper No. CB(1)2088/09-10(02) — Administration's paper on funding application – protection works for SCL in Wan Chai Development

Action

LC Paper No. CB(1)2166/09-10(01) — Phase II (WDII)
 — Powerpoint presentation materials on the funding proposal)

10. The Subcommittee deliberated (index of proceedings attached at **Annex**).

11. Members discussed the protection works for SCL under WDII project (the Protection Works), which were proposed to facilitate the future construction works of SCL. The Protection Works comprised two rows of diaphragm walls, each about 70-metre long, supporting a concrete slab in between, running underground alongside the Convention Avenue in Wan Chai. Some members expressed concern whether the SCL tunnels would be affected by any water leakage as a result of bursting of the water mains to be laid. The Administration assured members that given the strength of the diaphragm walls, operation of SCL would not be affected in the above circumstances.

Admin

12. After discussion, members in general supported submission of the current proposal to the Public Works Subcommittee (PWSC) for further discussion. The Administration was requested to provide the following supplementary information to facilitate consideration of the proposal by PWSC –

- (a) whether the Protection Works could protect the SCL tunnels in the event of bursting of water mains to be laid;
- (b) information on the protection works at the underground intersection of future SCL tunnel and the Central Wan Chai Bypass tunnels at the Causeway Bay Typhoon Shelter; and
- (c) whether the 95 jobs created for the Protection Works would be deployed for the main construction works of the SCL project.

(Post-meeting note: The supplementary information provided by the Administration was issued vide PWSCI(2010-11)4 and PWSCI (2010-11)5 on 8 and 25 June 2010 respectively.)

V Railway station design to showcase local history and culture

(LC Paper No. CB(1)2088/09-10(03) — Administration's paper on railway station design to showcase local history and culture

LC Paper No. CB(1)2166/09-10(02) — Powerpoint presentation materials)

13. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

14. Members generally welcomed the art programmes at MTR stations and enquired about the guidelines and criteria for the selection of exhibits for display. Mr WONG Kwok-hing asked to put on record his appreciation over MTRCL's undertaking to further enhance the display of station names and signage for stations of West Rail Line.

MTRCL 15. After discussion, MTRCL was requested to provide the following information –

- (a) work plan for enhancing the artistic design for stations of West Rail Line;
- (b) annual expenditure on implementation of the art and cultural programmes for the past five years and the estimated expenditure for the next five years; and
- (c) criteria for the selection of art exhibits for display at MTR stations.

(Post-meeting note: The supplementary information provided by the Administration was issued vide LC Paper No. CB(1)2657/09-10(01) on 27 July 2010.)

VI Any other business

16. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
29 September 2010

Panel on Transport

Subcommittee on Matters Relating to Railways

**Proceedings of the meeting
on Friday, 4 June 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda item I – Confirmation of minutes of meeting</i>			
000130 – 000147	Chairman	Confirmation of minutes of the meeting held on 16 April 2010.	
<i>Agenda item II – Information papers issued since last meeting</i>			
000148 – 000217	Chairman	Information papers issued since the last regular meeting.	
<i>Agenda item III – Review of the Mass Transit Railway By-laws and Mass Transit Railway (North-west Railway) Bylaw</i>			
000218 – 002447	Chairman Administration MTRCL	Briefing on the MTR Bylaw Review by the MTR Corporation Limited (MTRCL) (LC Paper No. CB(1)2089/09-10(01)).	
002448 – 003010	Mr WONG Kwok-hing MTRCL	<p>Mr WONG Kwok-hing's suggestions on launching annual large scale public education programmes to promote passenger courtesy and introducing "women-only compartments".</p> <p>The MTRCL's response -</p> <p>(a) different passenger education programmes were held each year and the programmes launched so far in 2010 had included the promotion of no eating or drinking in paid areas, offering seats to those in need, and no rush in or block the train doors; and</p> <p>(b) the suggestion on "women-only compartments" was still being examined and discussion with the concerned groups would continue.</p>	
003011 – 003609	Mr LAU Kong-wah MTRCL Chairman	<p>Mr LAU Kong-wah's enquiries on the absence of relevant provisions on refund of overcharged fares by Octopus devices and the extent to which discretion was exercised under the proposed amendments to bylaw 14A of the Mass Transit Railway By-laws (MTR By-laws) (Cap. 556B).</p> <p>The MTRCL's response -</p> <p>(a) passengers would either be contacted or notified via notices displayed at stations (depending on the availability of contact information) for refund of overcharged fares; and</p>	MTRCL to provide information on the enforcement of the bylaws. (para. 6 of minutes)

Time marker	Speaker	Subject(s)	Action required
		(b) the exercise of discretion as to whether to impose a surcharge on a visitor travelling with a first class compartment but failing to pay first class premium rested with the objective facts collected, such as being a first-timer to Hong Kong, and was considered on a case-by-case basis.	
003610 – 004138	Mr James TO Chairman	<p>Mr James TO's concerns on the rationale for the following proposed amendments to the MTR By-laws: bylaw 32(2)(a) on the display of matters for the purpose of publicity; bylaw 28H(1)(da) on the distraction of an official in or from performing the official's duties; bylaw 28H(1)(e) on image recording; and bylaw 26A(1) on the attempt on the use of audio-playing device to generate sound.</p> <p>The Chairman's remarks that members would have the chance to examine the bylaws clause-by-clause if a subcommittee was set up for the scrutiny work.</p>	
004139 – 004713	Ms LI Fung-ying MTRCL Chairman	<p>Ms LI Fung-ying's enquiries on -</p> <p>(a) the penalty and imprisonment for infringement of MTR Bylaw 35 and Mass Transit Railway (North-west Railway) Bylaw (NWR Bylaw) (Cap. 556H) 31 concerning the compliance with signs;</p> <p>(b) waiving penalty for passengers who travelled by the first class compartment unintentionally; and</p> <p>(c) the consumption of chewing gum and the definition of "consumption of food".</p> <p>The MTRCL's response that equivalent provisions in the Road Traffic (Traffic Control) Regulations (Cap. 374G) were adopted in coming up with the proposed amendments concerning the compliance with signs for vehicle drivers so as to maintain consistency among the laws of Hong Kong.</p> <p>The Chairman's request for MTRCL to provide a paper to address the above concerns.</p>	<p>MTRCL to provide information on the enforcement of the bylaws, including that in relation to consumption of food. (para. 6 of minutes)</p>
004714 – 005235	Mr Ronny TONG MTRCL Chairman	<p>Mr Ronny TONG's views on -</p> <p>(a) the exercise of discretion under MTR Bylaw 28 concerning the prohibition of animals on railway premises; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) impact of the proposed amendments to MTR Bylaw 42(1A)(b) on protection of privacy of passengers.</p> <p>The MTRCL's response -</p> <p>(a) proper reference to justifiable principles in relation to MTR Bylaw 28 could be included either into the bylaws or the Corporation's policies; and</p> <p>(b) the purpose of the proposed amendment to MTR Bylaw 42(1A)(b) was to make the clause clearer and would not effect a change to the scope of personal particulars to be collected.</p>	
005236 – 005849	Mr Andrew CHENG Administration Chairman	<p>Mr Andrew CHENG's concern on the lack of provisions to stipulate MTRCL's responsibility over the provision of Octopus refund devices and platform screen doors.</p> <p>The Administration's advice that the purpose of the bylaw was to regulate passenger's behaviour and did not relate to platform screen doors.</p>	
005850 – 010410	Mr Jeffrey LAM MTRCL Chairman	<p>Mr Jeffrey LAM's enquiry on whether Octopus devices could be made available on the first class compartment, and his views on the need for tackling the behaviour of loud speaking.</p> <p>The MTRCL's response -</p> <p>(a) Octopus devices had been installed at both ends of the first class compartment. Improved signage had also been on trial at Fo Tan Station with a large yellow arch installed on the platform to more prominently mark the location of the first class compartment, supplemented with comprehensive information on the use of first class service in traditional Chinese, simplified Chinese and English languages; and</p> <p>(b) MTR Bylaw 21 and its equivalence in NWR Bylaw provided that a passenger shall comply with all reasonable directions and requests of any official. Any person shouting and hence causing disturbances to others could be warned and even prosecuted if failed to observe the warning.</p>	
010411 – 010443	Mr Abraham SHEK Chairman	Mr Abraham SHEK's declaration of interest and his comment that the bylaws should strike a balance between railway operations and services to passengers.	

Time marker	Speaker	Subject(s)	Action required
010444 – 011019	Mr Albert CHAN MTRCL Chairman	Mr Albert CHAN's requests for information on - (a) any other private companies that were also authorized, like MTRCL, to draft bylaws and deploy staff to enforce the bylaws (including prosecuting offenders); and (b) the extent to which MTRCL staff were authorized in the execution of the bylaws and the relevant training provided. The Chairman's request for Assistant Legal Advisor 1 (ALA1) to provide the requisite information, and MTRCL to provide paper on the enforcement of the bylaws by MTRCL staff and the training provided.	ALA1 and MTRCL to provide information. (para. 9 of minutes)
011020 – 011219	Chairman Administration	The Administration's enquiry and Chairman's explanation of the positive vetting procedures.	
<i>Agenda item IV – Funding application - Protection works for Shatin to Central Link in Wan Chai Development Phase II</i>			
011220 – 012257	Chairman Administration MTRCL	Powerpoint presentation on funding application - protection works for Shatin to Central Link (SCL) in Wan Chai Development Phase II by MTRCL (LC Paper No. CB(1)2166/09-10(01)).	
012258 – 012544	Mr WONG Kwok-hing MTRCL Chairman	Mr WONG Kwok-hing's concerns and MTRCL's response that the SCL tunnels would not be affected by the bursting of water mains given the strength of the diaphragm walls. The Chairman's request that relevant information be provided to the Public Works Subcommittee (PWSC).	Administration to provide information. (para. 12 of minutes)
012545 – 013212	Mr Andrew CHENG Administration Chairman	Mr Andrew CHENG's enquiries on the financial impact of the protection works on the whole project and the re-deployment of the 95 jobs created for the main construction works of the SCL project. The Chairman's request for information on the project estimate, protection works at Causeway Bay Typhoon Shelter and the further deployment of the jobs created by the protection works be provided to PWSC.	Administration to provide information. (para. 12 of minutes)
013213 – 013256	Mr Ronny TONG Administration	Mr Ronny TONG's enquiry and the Administration's explanation that the protection works were indispensable for the SCL project.	
013257 – 013719	Mr Albert CHAN Administration MTRCL	Mr Albert CHAN's enquiry and MTRCL's response that the current SCL alignment being proposed, including the portion where the protection works would be carried out, was almost confirmed.	

Time marker	Speaker	Subject(s)	Action required
013720 – 013739	Chairman	Concluding remarks	
<i>Agenda item V – Railway station design to showcase local history and culture</i>			
013740 – 014322	Chairman Administration MTRCL	Powerpoint presentation on railway station design to showcase local history and culture by MTRCL (LC Paper No. CB(1)2166/09-10(02)).	
014323 – 014813	Mr WONG Kwok-hing MTRCL Chairman	Mr WONG Kwok-hing's concerns and MTRCL's undertaking to further revamp the display of station names and signage for stations of West Rail Line with bigger prints and artistic design, and to provide relevant timetable for such enhancements.	MTRCL to provide information. (para. 15 of minutes)
014814 – 015332	Mr Albert CHAN MTRCL	Mr Albert CHAN's enquiry and MTRCL's response that part of the \$4 billion invested annually on improving station facilities was devoted to promoting art programmes at MTR stations.	
015333 – 015922	Mr Andrew CHENG MTRCL	Mr Andrew CHENG's enquiries and MTRCL's explanation that the basic principles for selecting art exhibits were that the artworks should be free from violence, indecency and agitation and generally accepted by the public with the principal transport activity undisturbed. A selection panel comprising representatives of different in-house departments had been set up for the selection process.	
015923 – 020128	Mr WONG Kwok-hing MTRCL	Mr WONG Kwok-hing's expression of appreciation and MTRCL's response that the mural display at North Point Station would be preserved permanently. Similar mural display had also been installed at stations of Kwun Tong, Ngau Tau Kok and Tsuen Wan.	
020129 – 020257	Mr Albert CHAN Mr Andrew CHENG Chairman	Mr Albert CHAN's request for information on the annual expenditure on art and cultural programmes. Mr Andrew CHENG's request for information on the criteria for the selection of art exhibits for display. Chairman's closing remarks.	MTRCL to provide information. (para. 15 of minutes) MTRCL to provide information. (para. 15 of minutes)