

立法會
Legislative Council

LC Paper No. CB(1) 1146 /08-09
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Ref: CB1/PS/1/08/1

Panel on Transport

Subcommittee on Matters Relating to Railways

Minutes of meeting on
Friday, 16 January 2009, at 8:30 am
in the Chamber 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 Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
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 Mrs Regina IP LAU Suk-ye, GBS, JP
- Members attending** : Hon James TO Kun-sun
Hon Audrey EU Yuet-mee, SC, JP
Hon Starry LEE Wai-king
- Members absent** : Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP

**Public Officers
attending**

: Agenda item IV

Ms Eva CHENG
Secretary for Transport and Housing

Mr Philip YUNG
Deputy Secretary for Transport & Housing
(Transport) 1

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

Agenda item V

Ms Eva CHENG
Secretary for Transport and Housing

Mr Philip YUNG
Deputy Secretary for Transport & Housing
(Transport) 1

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

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

Ms Carolina YIP
Commissioner for Transport (Atg.)

Mr David TO Kam-biu
Assistant Commissioner for Transport / Planning

Miss Alice AU YEUNG Yuet-wah
Principal Transport Officer / Bus and Railway

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

Agenda item VI

Mr YAU Shing-mu
Under Secretary for Transport and Housing

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

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

Mr Albert YUEN Lap-pun
Assistant Commissioner/Bus and Railway
Transport Department

Miss Alice AU YEUNG Yuet-wah
Principal Transport Officer / Bus and Railway
Transport Department

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

Agenda item VII

Mr YAU Shing-mu
Under Secretary for Transport and Housing

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

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

Mr Albert YUEN Lap-pun
Assistant Commissioner/Bus and Railway
Transport Department

Miss Alice AU YEUNG Yuet-wah
Principal Transport Officer / Bus and Railway
Transport Department

**Attendance by
invitation**

: Agenda item IV

MTR Corporation Limited

Mr Malcolm GIBSON
Head of Project Engineering

Miss Maggie SO
Senior Manager - Projects and Property Communications

Agenda item V

MTR Corporation Limited

Mr Y T LI
Deputy Operations Director

Mr Henry LAM
General Manager - KSL

Ms Ida LEUNG
Senior Manager - External Affairs

Miss Maggie SO
Senior Manager - Projects and Property Communications

Agenda item VI

MTR Corporation Limited

Mr Y T LI
Deputy Operations Director

Dr Jacob KAM
Head of Operations Engineering

Ms Ida LEUNG
Senior Manager - External Affairs

Agenda item VII

MTR Corporation Limited

Mr David FLEMING
Deputy Legal Director

Mr Wilfred LAU
Head of Operations

Ms Ida LEUNG
Senior Manager - External Affairs

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

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Ivy WONG
Council Secretary (1)2

Miss Winnie CHENG
Legislative Assistant (1)5

Action

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VII Review of the Mass Transit Railway By-laws and North-west Railway By-laws

(LC Paper No. CB(1)557/08-09(07) — Administration's paper on Government's assessment on MTR Corporation Limited's (MTRCL's) Bylaw review

LC Paper No. CB(1)557/08-09(08) — Paper on MTR Bylaw review from MTRCL

LC Paper No. CB(1)1997/06-07 — Report of the former Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger)

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

Use of abusive language (MTR Bylaw 28H(1)(a), NWR Bylaw 22(1)(a))

Action

MTRCL

28. Mr James TO and Mr Ronny TONG considered that it was necessary to provide a clear definition of the above item for the purpose of clarity. They suggested that use of abusive language should be defined along the line that a person committed an offence if he, by use of threatening, abusive, obscene or offensive language, incited violence or discrimination towards another passenger, or if he did so to insult, threaten or disturb another passenger. Mr TO further said that the drafting of this bylaw should be considered from the perspective of maintenance of order in railway premises. Deputy Legal Director/MTRCL (DLD/MTRCL) agreed to consider members' views and suggestions.

Playing radios, cassettes, musical instruments in railway premises (MTR Bylaw 26, 26A and NWR Bylaw 24)

29. Ms LI Fung-ying queried why MTRCL allowed noisy TV broadcast and advertisements on East Rail trains and on the other hand, penalized passengers for creating noise generated from radios.

30. DLD/MTRCL explained that this bylaw was found in most transport-related bylaws/regulations in the world. Passengers were not prohibited from listening to, e.g. radio or MP3, provided that they did not play it loudly or they listened through earphones. He added that the noise generated from the TV broadcasts on East Rail trains could not exceed the level limit as specified in an agreement entered into by the Administration and MTRCL. Regular audits were carried out to check compliance with the specified noise level limit.

Improper dressing (MTR Bylaw 28G and NWR Bylaw 23)

31. Mr KAM Nai-wai asked about the definition of "improper dressing" and why it was proposed to reduce the penalty from \$5,000 to \$2,000.

32. DLD/MTRCL explained that the intent of this bylaw was to prevent passengers from being impacted on as a result of others' extremely dirty clothing. This bylaw was also commonly found in transport-related bylaws/regulations in the world. He added that after the review, it was decided that the heading "Improper dressing" should be amended to more accurately reflect the content of this bylaw.

33. Referring to the proposed 4 tier offence and penalty schedule in paragraph 12 of the paper submitted by MTRCL, DLD/MTRCL said that the reduction in penalty level was proposed because, after review, it was considered that the bylaw offence in question should be a Class 1 offence having regard to its nature and seriousness. A corresponding reduction in the penalty level was, therefore, proposed.

Action

MTRCL

34. Mr James TO considered the existing definition of "improper dressing" under the relevant provisions was unclear. He queried how the line should be drawn in regarding whether a passenger's clothing was "liable to soil" under the existing definition. The Chairman requested MTRCL to address Mr KAM's and Mr TO's concerns.

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Council Business Division 1
Legislative Council Secretariat
25 March 2009

Panel on Transport

Subcommittee on Matters Relating to Railways

**Proceedings of the meeting
on Friday, 16 January 2009, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
X	X	X	X
<i>Item VII Review of the Mass Transit Railway By-laws and North-west Railway By-laws</i>			
022638 - 022807	Chairman Administration	- The Administration's briefing on its paper.	
022808 - 023345	Mr James TO MTRCL	- Mr James TO's concerns on the definition of "abusive language" under MTR Bylaw 28H(1)(a) & NWR Bylaw 22(1)(a), and MTRCL's response.	MTRCL to address Mr TO's concerns.
023346 - 023741	Mr WONG Kwok-hing MTRCL Chairman	- Mr WONG Kwok-hing's view that the bylaw on Firearms (MTR Bylaw 38) should cover all forms of inflammable substances posing danger to passengers.	
023742 - 024154	Ms LI Fung-ying MTRCL	- Mr LI Fung-ying's query on the MTRCL's rationale of penalizing passengers for playing radios while it allowed noisy TV broadcast on East Rail trains, and MTRCL's response.	
024155 - 024707	Mr Ronny TONG Chairman MTRCL	- Mr Ronny TONG's suggestion that a clear definition of "abusive language" should be provided and MTRCL representative's response.	MTRCL to address Mr TONG's concerns.
024708 - 025211	Mr KAM Nai-wai Chairman MTRCL	- Mr KAM Nai-wai's query about the meaning of "Improper dressing" under MTR Bylaw 28G and NWR Bylaw 23 and the reason for proposed reduction of the penalty level for this offence from \$5,000 to \$2,000. - MTRCL's response and explanation.	MTRCL to propose revised heading for "Improper dressing".

Time marker	Speaker	Subject(s)	Action required
025212 - 025708	Mr James TO Chairman	- Mr James TO's reiteration of his concerns about the unclear definition of "abusive language" under relevant provisions and his query about the definition of the "Improper dressing".	MTRCL to address Mr TO's concerns.

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Council Business Division 1
Legislative Council Secretariat
25 March 2009