

立法會
Legislative Council

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Panel on Transport

Subcommittee on Matters Relating to Railways

**Minutes of meeting on
Friday, 6 May 2011, at 8:30am
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, SBS, 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 Mrs Regina IP LAU Suk-ye, GBS, JP
Hon LEUNG Kwok-hung
Hon Tanya CHAN

**Public Officers
attending**

: Agenda item II

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Ms Maisie CHENG
Deputy Secretary for Transport and Housing
(Transport) 1

Mr C W CHOW
Principal Assistant Secretary for Transport and
Housing (Transport) 7

Mr Henry CHAN
Principal Government Engineer / Railway Development
Highways Department

Mr Michael LEUNG
Chief Engineer / Railway Development 1-2
Highways Department

Agenda item III

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mr C W CHOW
Principal Assistant Secretary for Transport and
Housing (Transport) 7

Mr. Henry CHAN
Principal Government Engineer
(Railway Development)
Highways Department

Mr K S YEUNG
Chief Engineer / Railway Development 1-3
Highways Department

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Attendance by invitation : Agenda item III

Miss Maggie SO
Senior Manager – Projects and Property Communications
MTR Corporation Limited

Mr YEUNG Wilfred Sze-wai
Chief Architect
MTR Corporation Limited

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

Staff in attendance : Mr Franco KWONG
Council Secretary (1)2

Ms Emily LIU
Legislative Assistant (1)2

Action

I Information papers issued since last meeting

(LC CB(1)1828/10-11(01)	Paper	No. —	Issues relating to the provision of automatic passenger transport system between the future Kai Tak Station and Ma Tau Wai Station raised by Kowloon City District Council members and referred to the Subcommittee
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LC CB(1)1845/10-11(01) CB(1)2103/10-11(01)	Papers	No. —	Letter from Hon IP Wai-ming and about the service disruption of Ma On Shan Line on 7 April 2011 and the Administration's response
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LC CB(1)1894/10-11(01) CB(1)2103/10-11(01)	Papers	No. —	Letter from Hon LAU Kong-wah and requesting the Administration to provide information on the recent railway incidents involving cracks on rail tracks and on the compensation mechanism and the Administration's response
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LC	Papers	No. —	Letter from Hon WONG
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CB(1)1981/10-11(01) CB(1)2103/10-11(02)	and	Sing-chi requesting the Administration to provide information on the on-cost payable to the MTR Corporation Limited for the Shatin to Central Link project and the Administration's response
LC Papers CB(1)2033/10-11(01) CB(1)2100/10-11(01)	No. — and	Submission from a member of the public on the South Island Line (East) project and the Administration's response
LC Papers CB(1)2090/10-11(01) and (02)	No. —	Letters from Hon WONG Sing-chi to the MTR Corporation Limited on 28 and 30 April 2011)

The Subcommittee deliberated (Index of proceedings attached in **Annex**).

2. Subcommittee members noted the above papers which had been issued after the last meeting.

II Funding application – protection works at Causeway Bay typhoon shelter for Shatin to Central Link

(LC Paper CB(1)2069/10-11(01)	No. —	Paper on "Funding application – protection works at Causeway Bay typhoon shelter for Shatin to Central Link" provided by the Administration)
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3. Mr Abraham SHEK declared that he was an independent non-executive director of the MTR Corporation Limited (MTRCL).

4. Subcommittee members expressed concern about the recent court judgment concerning the Environmental Impact Assessment (EIA) reports for the Hong Kong–Zhuhai–Macao Bridge (HZMB) local projects and the impact of the court judgment on the implementation of the proposed protection works. The Administration advised that the proposed protection works would be carried out as part of the Central–Wan Chai Bypass project. The EIA report and Environmental Permit (EP) for the Shatin to Central Link (SCL) protection works at the Causeway Bay Typhoon Shelter (CBTS) were still valid and effective. The Administration further advised that the protection works at

Action

CBTS mainly comprised the construction of temporary reclamation and temporary seawalls. Upon completion of the SCL works, all temporary reclamation seawalls and temporary reclamation would be removed and therefore would not give rise to long-term environmental impact. In response to members' enquiries, the Administration advised that MTRCL had withdrawn the three EIA reports for SCL to review the contents of the reports.

5. Subcommittee members expressed concern about the reprovisioning arrangements of affected mooring and anchorage in CBTS and adequacy of supply of typhoon shelter/shelter anchorage space within Hong Kong waters during the passage of typhoons. Subcommittee members requested to be provided with detailed information on the concerns and views on the temporary arrangements of anchorage space raised by CBTS stakeholders during the Administration's consultations with them.

Admin 6. At the request of the Subcommittee, the Administration agreed to provide supplementary information on the following –

- (a) Administration's views on whether the court judgment on the EIA reports of HZMB local projects would affect the implementation the proposed protection works;
- (b) the situation of EIA reports and EPs of SCL;
- (c) the situation of anchorage space in typhoon shelters within Hong Kong; and
- (d) the views of CBTS stakeholders on the temporary arrangements of anchorage space.

Clerk 7. Subcommittee members also requested the Legal Service Division of the Legislative Council Secretariat to give advice on whether the court judgment on the EIA reports for HZMB would affect the scrutiny of this funding application.

(Post-meeting note: The funding application for the proposed protection works was considered by the Public Works Subcommittee at its meeting on 1 June 2011. The supplementary information provided by the Administration was issued vide PWSC(2011-12)12 (Enclosure 6) and a paper prepared by the Legal Service Division (LC Paper No.: LS68/10-11) was issued vide LC Paper No. CB(1)2351/10-11.)

III Functions of ventilation facilities for railway system

(LC Paper No. — Paper on "Functions of ventilation facilities for railway system" provided by the Administration and the MTR Corporation Limited)
CB(1)2069/10-11(02)

8. Subcommittee members noted that it was a statutory requirement that all ventilation openings were required to be at least five metres away from buildings nearby and at least three metres above the pedestrian level. It was also required to comply with the Noise Control Ordinance (Cap. 400) and the statutory codes of the Fire Services Department. Subcommittee members expressed grave concern about the specified minimum distance of only "at least five metres away from buildings nearby". They considered that all ventilation openings should be located far away from residential buildings, and ventilation shafts should only be provided with the support of residents nearby.

Motion

9. Mr KAM Nai-wai moved the following motion, which was seconded by Mr WONG Sing-chi –

"鐵路事宜小組委員會強烈反對港鐵設計鐵路系統通風口與鄰近建築物只保持最少 5 米距離，本委員會委員要求鐵路公司設計鐵路通風口必須遠離鄰近建築物及獲當區居民的支持。"

(Translation)

"That the Subcommittee on Matters Relating to Railways strongly opposes MTRCL's design for its ventilation shafts, in which the minimum distance between ventilation shafts and buildings nearby is just five meters, and demands that MTRCL locate its ventilation shafts far away from buildings nearby and obtain the support from local residents for their construction."

10. Mr WONG Kwok-hing considered that there was a need to emphasize that ventilation shafts should be located far away from residential buildings and community facilities such as schools and hospitals, and moved an amendment to the above motion as follows –

"鐵路事宜小組委員會強烈反對港鐵設計鐵路系統通風口與

鄰近住宅民居及社區設施等建築物只保持最少 5 米距離，本委員會委員要求鐵路公司設計鐵路通風口必須遠離鄰近住宅民居及社區設施等建築物及獲當區居民的支持。

(Translation)

"That the Subcommittee on Matters Relating to Railways strongly opposes MTRCL's design for its ventilation shafts, in which the minimum distance between ventilation shafts and **residential buildings and community facilities nearby** is just five meters, and demands that MTRCL locate its ventilation shafts far away from **residential buildings and community facilities nearby** and obtain the support from local residents for their construction."

11. The Chairman put the motion as amended by Mr WONG Kwok-hing to vote. Six members voted for and one member abstained. The Chairman declared that the motion as amended by Mr WONG Kwok-hing was carried.

MTRCL 12. To address public concern about the air quality of the exhaust from the MTR ventilation openings, the Subcommittee suggested that MTRCL should release the data recorded by the dust monitoring devices installed by MTRCL at the ventilation openings at MTR Central Station in 2008. MTRCL agreed to provide the information and data to the Subcommittee for members' reference.

IV Any other business

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

Panel on Transport

Subcommittee on Matters Relating to Railways

**Proceedings of the meeting
on Friday, 6 May 2011, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda item I – Information papers issued since last meeting</i>			
000325 – 001115	Chairman Mr Abraham SHEK Mr KAM Nai-wai Mr LAU Kong-wah	Briefing on the information papers issued since the last meeting. Mr Abraham SHEK's declaration of interest. Discussion on the need to discuss "the closure of Sheung Wan Station due to the construction of West Island Line".	
<i>Agenda item II – Funding application – protection works at Causeway Bay typhoon shelter for Shatin to Central Link</i>			
001116 – 001230	Chairman	Opening remark	
001231 – 002010	Administration	Powerpoint presentation by the Administration on the protection works at Causeway Bay typhoon shelter (CBTS) for Shatin to Central Link (SCL) (LC Paper No. CB(1)2069/10-11(01)).	
002011 – 002530	Chairman Mr Jeffery LAM Administration	Mr Jeffery LAM's enquiry on whether the court judgment on the Environmental Impact Assessment (EIA) reports of the Hong Kong – Zhuhai – Macao Bridge (HZMB) local projects would affect the implementation programme of the proposed protection works. The Administration's response – (a) the proposed protection works would be carried out as part of the Central – Wan Chai Bypass (CWB) project. The relevant EIA reports and Environmental Permits (EP) were valid and effective; and (b) upon completion of SCL works, all temporary reclamation under the proposed protection works would be removed and would not give rise to long-term environmental impact.	
002531 – 003150	Chairman Mr KAM Nai-wai	Mr KAM Nai-wai's enquiries –	

Time marker	Speaker	Subject(s)	Action required
	Administration	<p>(a) whether the withdrawal of three EIA reports for SCL would affect the implementation of the SCL project; and</p> <p>(b) whether any vessels were required to be relocated outside CBTS due to the proposed protection works.</p> <p>The Administration's response –</p> <p>(a) in view of the court judgment on the EIA reports for HZMB, MTRCL withdrew the EIA reports for SCL to review their contents. It was too early to conclude that the progress of SCL project would be affected; and</p> <p>(b) the proposed protection works was planned on the basis that no more vessels would have to be relocated away from CBTS in addition to some 150 vessels already required to be relocated under the CWB project.</p>	
003151 – 003650	Chairman Mr WONG Kwok-hing Administration	<p>Mr WONG Kwok-hing's enquiries –</p> <p>(a) when the temporary reclamation under the proposed protection works would be removed; and</p> <p>(b) whether the supply of anchorage spaces was enough to accommodate the vessels required to be relocated.</p> <p>The Administration's response –</p> <p>(a) the temporary reclamation would be removed upon completion of SCL works; and</p> <p>(b) the current supply of shelter anchorage spaces in Hong Kong was adequate and the affected vessels were temporarily relocated to the Aberdeen typhoon shelter.</p>	
003651 – 004420	Chairman Mr LAU Kong-wah Administration	<p>Mr LAU Kong-wah's concern about the progress of the whole SCL project; and his enquiry on the percentage of consultants' fees in the estimated cost of protection works.</p> <p>The Administration's response –</p> <p>(a) the implementation timetable of SCL project</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>remained unchanged; and</p> <p>(b) the consultants' fees and remuneration of resident site staff of consultants were in a total of about \$54 million (about 14.3% of the total cost of the protection works).</p>	
004421 – 005110	Chairman Mr Albert CHAN Administration	<p>Mr Albert CHAN's requests –</p> <p>(a) the Administration to provide a paper on the situation of anchorage space in typhoon shelters in Hong Kong; and</p> <p>(b) the Legal Service Division (LSD) of the Legislative Council Secretariat to give advice on whether the court judgment on the EIA reports for HZMB would affect the scrutiny of this funding application.</p> <p>In response to Mr CHAN's enquiry, the Administration advised that it had been planned to make two separate funding applications for the advance and protection works for SCL respectively.</p>	The Administration /LSD to provide information (para. 6 and 7 of minutes)
005111 – 005805	Chairman Mr Ronny TONG Administration Mr LAU Kong-wah	In response to Mr Ronny TONG's enquiry, the Administration advised that the relevant Government bureaux and departments were studying the court judgment on the EIA reports for HZMB and its implications before deciding how to carry forward the works, having regard to the requirements of the law.	
005806 – 010435	Chairman Mr Andrew CHENG Administration	<p>Mr Andrew CHENG's views that the Administration should strike a balance between environmental protection and development; and the future EIA reports should observe the requirements set out in the court judgment on the EIA reports for HZMB.</p> <p>The Administration's response that it had all along carried out EIA in compliance with the requirements of the laws; and the EIA report and EP for the proposed protection works were valid.</p> <p>Members' request for a paper setting out whether the court judgment on the EIA reports for HZMB would affect the implementation of the proposed protection works.</p>	The Administration to provide information (para. 6 of minutes)
010436 – 010620	Chairman Mr KAM Nai-wai	Mr KAM Nai-wai's requests –	The Administration to provide information

Time marker	Speaker	Subject(s)	Action required
		(a) a paper on the situation of EIA reports and EPs of the SCL project; and (b) a paper on the views of CBTS stakeholders on the temporary arrangements of anchorage space.	(para. 6 of minutes)
010621 – 010910	Chairman Mr LAU Kong-wah	Mr LAU Kong-wah's views that the Administration should provide supplementary information about the situation of EIA reports and EPs of the SCL project, and decide whether to appeal against the court judgment on the EIA reports for HZMB as soon as possible.	
010911 – 010932	Chairman Mr WONG Kwok-hing	Mr WONG Kwok-hing's view that the Administration should pay heed to the structural safety of the Island Eastern Corridor when carrying out the dredging works in CBTS.	
010933 – 010950	Chairman	Members did not object to the submission of the funding application for the protection works to the Public Works Subcommittee for further consideration.	
<i>Agenda item III – Functions of ventilation facilities for railway system</i>			
010951 – 011115	Chairman	Opening remark	
011116 – 012315	Administration MTRCL	Powerpoint presentation by MTRCL on the functions of ventilation facilities for railway system (LC Paper No. CB(1)2069/10-11(02)).	
012316 – 013010	Chairman Administration MTRCL	Mr WONG Kwok-hing's views that all ventilation openings should be located far away from residential buildings and ventilation shafts should only be provided with the support of residents nearby. The Administration and MTRCL's response that all ventilation openings were required to be at least five metres away from buildings nearby. The impact on residents nearby had to be considered, but there was also a need to ensure that ventilation facilities could perform their critical functions. Mr WONG's dissatisfaction that the specified minimum distance was only five metres.	
013011 – 013704	Chairman Mr LAU Kong-wah Administration	Mr LAU Kong-wah's views that ventilation openings should be located far away from residential buildings and thorough consultations	The MTRCL to provide information (para. 12 of minutes)

Time marker	Speaker	Subject(s)	Action required
	MTRCL	<p>with residents nearby were necessary; and his concern about the air quality of the exhaust from ventilation openings.</p> <p>The Administration's response that despite the law specified the minimum distance as five metres, the principle of design was to locate the ventilation openings away from buildings nearby as far as possible, in order to minimize the impact on residents.</p> <p>The MTRCL's response that in 2008, it conducted a monitoring exercise on the air quality of the exhaust from ventilation openings and found that the exhaust did not contain any undesired emissions or pollutants. Supplementary information would be provided to the Subcommittee for members' reference.</p>	
013705 – 014215	Chairman Ir Dr Raymond HO MTRCL	<p>Ir Dr Raymond HO's concern about the size of ventilation shafts; and his view that ventilation openings should be located away from residential buildings as far as possible.</p> <p>The MTRCL's response that its ventilation shafts were relatively small, because the generating units were separately located.</p>	
014216 – 014940	Chairman Mr KAM Nai-wai Administration Mr WONG Sing-chi	<p>Mr KAM Nai-wai's views that the residents affected would not accept the specified minimum distance of five metres; and the alignments of future railway lines should take into account the suitable locations of ventilation shafts.</p> <p>The Administration's response that in designing the alignment, many factors would be taken into consideration, such as land resumption.</p> <p>Discussion on the wording of the motion moved by Mr KAM Nai-wai and seconded by Mr WONG Sing-chi.</p>	
014941 – 015420	Chairman Mr IP Wai-ming MTRCL	<p>In response to Mr IP Wai-ming's enquiry, the MTRCL advised that regular maintenance and cleansing work of ventilation facilities would be conducted to ensure the standard of air quality.</p>	
015421 – 015615	Chairman Mr WONG Sing-chi	<p>Mr WONG Sing-chi's reiteration that MTRCL should consider the impact on residents nearby in deciding the locations of ventilation shafts.</p>	

Time marker	Speaker	Subject(s)	Action required
015616 – 020030	Chairman Mr WONG Kwok-hing Mr KAM Nai-wai Mr WONG Sing-chi Mr Abraham SHEK	Discussion on the amendment to the motion proposed by Mr WONG Kwok-hing Voting on the motion moved by Mr KAM Nai-wai and amended by Mr WONG Kwok-hing	

Council Business Division 1
Legislative Council Secretariat
26 September 2011