

**立法會**  
**Legislative Council**

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by the Administration)

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**Panel on Transport**

**Subcommittee on Matters Relating to Railways**

**Minutes of special meeting on  
Friday, 20 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 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  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN
- Member attending** : Hon James TO Kun-sun
- Member absent** : Hon Albert CHAN Wai-yip

**Public Officers  
attending**

**: Agenda item I**

Mr YAU Shing-mu  
Under Secretary for Transport and Housing

Ms Maisie CHENG  
Deputy Secretary for Transport and Housing

Mr Fletch CHAN  
Principal Assistant Secretary for Transport and  
Housing

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

Mr LAM Sai-hung  
Government Engineer  
(Railway Development)  
Highways Department

**Agenda item II**

Mr YAU Shing-mu  
Under Secretary for Transport and Housing

Mr Fletch CHAN  
Principal Assistant Secretary for Transport and  
Housing

Mr CHOW Chun-wah  
Principal Assistant Secretary for Transport and  
Housing

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

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Mr LAM Sai-hung  
Government Engineer (Railway Development)  
Highways Department

**Attendance by invitation :** **Agenda item I**

Mr Paul LO  
General Manager (Express Rail Link)  
MTR Corporation Limited

Mr Albert LAM  
Construction Manager -XRL Terminus  
MTR Corporation Limited

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

**Agenda item II**

Mr CHIK Stephen Wai-keung  
Acting Head of Project Engineering  
MTR Corporation Limited

Miss Maggie SO  
Senior Manager – Projects and Property Communications  
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

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**I Progress and financial situation of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link**

(LC Paper  
CB(1)1585/10-11(07)

No. — Paper on "Progress and financial situation of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Half-yearly report for the period ending 31 December 2010)" provided by the Administration

LC Paper  
CB(1)2170/10-11(01)

No. — Paper on the implementation of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project prepared by the Legislative Council Secretariat (Background brief)

LC Paper  
CB(1)1615/10-11(01)  
(*issued on 16 March 2011*)

No. — Submission from a member of the public expressing views on the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link)

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

2. Mr Jeffrey LAM declared that he was an independent non-executive director of a company which took part in the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project. Mr Abraham SHEK declared that he was an independent non-executive director of the MTR Corporation Limited (MTRCL).

3. With the aid of video presentation, the Administration briefed members on the latest progress of XRL project.

4. Subcommittee members expressed concern about the impact of the recent court judgment concerning the Environmental Impact Assessment (EIA) reports for the Hong Kong–Zhuhai–Macao Bridge (HZMB) local projects on the implementation of the XRL project. The Administration advised that the XRL project had entered the construction stage. The works had been carried out on schedule and in accordance with the requirements set out in the approved EIA reports and the Environmental Permits issued.

Action

5. Subcommittee members enquired about the measures to be taken to alleviate the traffic and transport impact of construction of the West Kowloon Terminus (WKT). The Administration advised that a five-stage Temporary Traffic Management Scheme (TTMS) in the West Kowloon area was being implemented. The first and second stage of TTMS had been activated smoothly. Under TTMS, temporary roads would be built before closure of existing roads so that the road capacity in West Kowloon area would not be reduced. So far, no adverse impact on the traffic in West Kowloon area had been observed. The Administration would continue consultation with the District Council concerned on the remaining stages of TTMS and closely monitor the traffic condition.

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

- (a) the traffic flow of the major roads in West Kowloon area associated with the first and second stage of TTMS (including Jordan Road and Austin Road West) during peak hours (e.g. 6:30 pm - 8:30 pm); and
- (b) an explanation of the criteria adopted by the Administration in deciding to withdraw EIA reports of which railway projects after the litigation relating to the EIA reports for HZMB local projects. Some members were concerned as to why, on the one hand, the Administration advised that the litigation had no impact on the implementation of the XRL project and on the other hand, MTRCL had decided to withdraw the three EIA reports on the Shatin to Central Link.

**II Underground strata resumption for railway projects**

LC CB(1)2170/10-11(02)	Paper	No. — Paper on "Underground strata resumption for railway projects" provided by the Administration
LC CB(1)2170/10-11(03)	Paper	No. — Information note on underground strata resumption for railway projects prepared by the Legislative Council Secretariat
LC CB(1)2170/10-11(04)	Paper	No. — Referral from Complaint Division on compensation mechanism of underground strata resumption)

Action

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

8. With the aid of Powerpoint presentation, MTRCL briefed members on the resumption of underground strata for railway projects.

9. Subcommittee members were concerned whether the owners affected by strata resumption would be informed of the details such as the conditions of buildings, locations and depth of railway facilities to be built, geological conditions of the site where the building is located, and the claims mechanism, etc. The Administration advised that residents' meetings were held to brief them on the resumption of strata and its impact. In addition, through the Community Liaison Groups or the information centres, MTRCL briefed local residents on the progress of the works and addressed their concerns. MTRCL advised that pre-construction condition surveys would be undertaken for the buildings along the railway alignment, and the condition survey reports would be made available to the owners concerned. If any irregularity was detected during construction, MTRCL would follow-up and conduct inspection. For any loss arising from strata resumption, the owners could make claims under section 32 of the Railway Ordinance (Cap. 519) (RO).

10. The Subcommittee noted that in the past three years, there were some 2 800 applications for redevelopment of or alternation to buildings within the railway protection zones and none had been refused because of the need for protecting the railway facilities. The Administration advised that if additional works were required, the affected owners could make claims for extra expenditure incurred in accordance with RO.

11. In response to members' enquiries, the Administration advised that based on rough estimates for budgeting purpose, the amounts of compensations involved for the West Island Line and XRL projects were \$380 million and \$194 million respectively. Mr James TO expressed a strong view that the Administration should subsidize the appointment of independent surveyors by owners to conduct condition surveys for their buildings as residents considered that the findings of surveys conducted by independent surveyors would be more reliable. Mr KAM Nai-wai expressed support for Mr TO's view as residents might lack the expertise to examine and verify the survey reports provided to them by MTRCL. Mr KAM also considered it unreasonable to require residents to calculate the amount of compensation they should claim since the impact of underground strata resumption on the redevelopment potential of their buildings could only be determined by professionals. Mr KAM requested to put on record his dissatisfaction with the Administration's refusal to accede to members' request.

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**III Any other business**

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

Council Business Division 1  
Legislative Council Secretariat  
27 October 2011

## Panel on Transport

### Subcommittee on Matters Relating to Railways

#### Proceedings of the special meeting on Friday, 20 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 – Progress and financial situation of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link</i>			
000205 – 000910	Chairman Mr IP Wai-ming Mr WONG Sing-chi Ir Dr Raymond HO Mr WONG Kwok-hing Mr LEUNG Kwok-hung	Members' agreement that a special meeting would be held to discuss the funding arrangements of the Kwun Tong Line Extension and the South Island Line (East) projects.	
000911 – 001914	Chairman Administration	Video presentation by the Administration on the progress and financial situation of the construction of the Hong Kong section of the Guangzhou – Shenzhen – Hong Kong Express Rail Link (XRL) (LC Paper No. CB(1)1585/10-11(07)).	
001915 – 002217	Chairman Mr WONG Kwok-hing Administration MTRCL	<p>Mr WONG Kwok-hing's enquiries –</p> <p>(a) the impact on the implementation of XRL by the court judgment on the Environmental Impact Assessment (EIA) reports of the Hong Kong – Zhuhai – Macao Bridge (HZMB); and</p> <p>(b) the impact on traffic in West Kowloon area by the construction of West Kowloon Terminus (WKT).</p> <p>The Administration and MTRCL's response –</p> <p>(a) the EIA reports and Environmental Permits (EP) for XRL were valid and effective. The XRL project had entered the construction stage and would be carried out on schedule; and</p> <p>(b) the five-stage Temporary Traffic Management Scheme (TTMS) was being implemented. The first and second stage of TTMS had been activated smoothly and no adverse impact on the traffic in West Kowloon area was observed. The Administration would continue to engage in close consultation with the District Council concerned on the remaining stages of TTMS and</p>	

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		closely monitor the traffic condition.	
002218 – 002556	Chairman Mr Jeffrey LAM MTRCL	<p>Mr Jeffrey LAM's declaration of interest and his concern that the cost estimate of XRL project might have to be revised upwards due to the significant increase in construction material prices.</p> <p>The MTRCL's response that there was a contract price adjustment mechanism subject to the inflation. The award of contract was within budget, even after taking into account the possible activation of contract price adjustment mechanism.</p> <p>In response to Mr LAM's further enquiry, MTRCL advised that the construction works of XRL were carried out in accordance with the requirements set out in the approved EIA reports and the EPs issued.</p>	
002557 – 003110	Chairman Mr CHEUNG Hok-ming Administration MTRCL	<p>Pointing out that the Heung Yee Kuk (HYK) had made a lot of contribution to the land resumption in Choi Yuen Tsuen (CYT), Mr CHEUNG Hok-ming enquired –</p> <p>(a) whether a communication mechanism between the Administration and Rural Committees (RC) /Yuen Long District Council (YLDC) would be established; and</p> <p>(b) the handling of excavated materials arising from tunneling works.</p> <p>The Administration acknowledged the contribution made by HYK and its Chairman in particular, to the land resumption in CYT. The Administration's response that it would continue to engage in close consultation with the local communities, RCs, YLDC and HYK until the completion of works.</p> <p>The MTRCL's response that some excavated materials would be reused and some would be delivered to the Mainland for disposal.</p>	
003111 – 003540	Chairman Mr WONG Sing-chi Administration	<p>Mr WONG Sing-chi's enquiry on the traffic volume in West Kowloon area under TTMS.</p> <p>The Administration's response that the temporary roads would be built before closure of existing roads so that the road capacity in West Kowloon would not be reduced at any time during construction of</p>	The Administration to provide information (para. 6 of minutes)

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		<p>WKT. The Yau Tsim Mong District Council also considered the implementation of TTMS very effective.</p> <p>At members' request, the Administration agreed to provide the actual traffic volume during the peak hours in West Kowloon area (including Jordan Road and Austin Road West) under TTMS.</p>	
003541 – 004137	Chairman Mr Andrew CHENG Administration	<p>Mr Andrew CHENG's view that economic development should not affect people's living environment and his concern about the impact on the construction of railway projects by the court judgment of the EIA reports for HZMB.</p> <p>The Administration's response that XRL had entered the construction stage. The progress would not be affected because its EIA reports and EPs were valid. However, some railway projects might be affected, such as the Shatin to Central Link (SCL) project in which MTRCL had withdrawn three EIA reports for review.</p> <p>At Mr Andrew CHENG's request, the Administration agreed to provide supplementary information about the impact of the court judgment on railway projects.</p>	The Administration to provide information (para. 6 of minutes)
004138 – 004550	Chairman Miss Tanya CHAN Administration	<p>Miss Tanya CHAN's enquiry on whether any guidelines were in place for the Administration to consider fung shui claims lodged by residents.</p> <p>The Administration's response that the Development Bureau was preparing the principles and procedures of handling fung shui claims for compensatory works for departments' reference. The drafting work was about to finish.</p> <p>In response to Miss CHAN's further enquiry, the Administration advised that the cost of compensatory works would be included in the project estimate.</p>	
<i>Agenda item II – Underground strata resumption for railway projects</i>			
004551 – 004910	Chairman Administration	Briefing by the Administration on underground strata resumption for railway projects (LC Paper No. CB(1)2170/10-11(02)).	

Time marker	Speaker	Subject(s)	Action required
004911 – 005752	MTRCL	Powerpoint presentation by MTRCL on underground strata resumption for railway projects.	
005753 – 010329	Chairman Mr KAM Nai-wai Administration MTRCL	<p>Mr KAM Nai-wai's enquiries –</p> <p>(a) the estimated costs of compensation packages for the claims arising from the underground strata resumption for railway projects (including West Island Line (WIL), SCL and XRL); and</p> <p>(b) whether the information on the locations and depth of railway facilities to be built would be released to the residents affected.</p> <p>The Administration and MTRCL's response –</p> <p>(a) the budgeted amount for compensation for stratum resumption for WIL and XRL projects were \$380 million and \$194 million respectively. Such amounts were for budgeting purpose only. The relevant estimated cost for SCL had yet to be assessed;</p> <p>(b) briefing meetings and community activities would be organized to brief the residents affected on the details of railway projects and their rights; and</p> <p>(c) MTRCL would conduct condition surveys of buildings and the reports would be given to the relevant owners.</p>	
010330 – 010823	Chairman Mr Jeffrey LAM Administration	<p>Noting that in the past three years, there were around 2 800 applications for redevelopment of or alternation to buildings within the railway protection zones, Mr Jeffrey LAM enquired whether all such applications were approved and whether building owners were required to carry out additional strengthening works.</p> <p>The Administration's response that in general, it would examine the building plans submitted by building owners. If additional works were required to protect railway facilities, the affected owners might make claims for extra expenditure incurred in accordance with the Railway Ordinance (Cap. 519) (RO). So far, none of the 2 800 applications was refused and no request for additional works was made.</p>	

Time marker	Speaker	Subject(s)	Action required
010824 – 011617	Chairman Mr Abraham SHEK Administration	<p>Mr Abraham SHEK's declaration of interest and his enquiries –</p> <p>(a) the impact of underground strata resumption on large-scale redevelopment projects which might require deeper foundation works; and</p> <p>(b) any compensation to the owners who suffered from vibrations caused by railway operations.</p> <p>The Administration's response –</p> <p>(a) in most cases, the existence of railway tunnels would not impose insurmountable technical constraints on redevelopment of buildings; and</p> <p>(b) the existing compensation regime under RO did not specifically cover vibrations caused by railway operations.</p> <p>In response to Mr SHEK's further enquiry, the Administration advised that the claims procedure was set out in RO. A claimant had to provide relevant information including the amount of claim and how it was calculated. The claim might be settled by agreement between the parties within the prescribed period (i.e. 7 months) and if not, such claim could be handled by the Land Tribunal.</p>	
011618 – 012359	Chairman Mr James TO Administration	<p>Mr James TO's enquiry on the rationale for not subsidizing the affected owners to appoint independent surveyors to conduct condition surveys of their buildings.</p> <p>The Administration's response that MTRCL would appoint independent consultants to conduct condition surveys and a copy of the report would be given to the relevant owners. Such arrangement could ensure the consistency of survey standard and cater for the needs of residents.</p>	
012400 – 013009	Chairman Mr KAM Nai-wai Administration MTRCL	<p>Mr KAM Nai-wai's enquiry on the monitoring of the structural integrity of the buildings adjacent to the works areas.</p> <p>The Administration and MTRCL's response –</p> <p>(a) condition surveys would record the condition of buildings to protect the interests of owners. If any irregularity was detected during the construction period, MTRCL would follow-up</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>and conduct inspection to clarify whether the building structure was affected by railway works; and</p> <p>(b) monitoring points would be established at the buildings adjacent to the works areas subject to the progress of works.</p>	
013010 – 013625	Chairman Mr Ronny TONG Administration	<p>Mr Ronny TONG's view that the claims procedure should be simplified; and his concern about the claims mechanism.</p> <p>The Administration's response –</p> <p>(a) the claims procedure had been set out in RO. If there was damage to the buildings or redevelopment potential of buildings was affected, the owners could make claims by providing the relevant details to the Administration; and</p> <p>(b) claims could be settled by agreement and might not necessarily involve legal proceedings.</p>	
013626 – 014052	Chairman Mr KAM Nai-wai Administration	<p>Mr KAM Nai-wai's view that residents might lack the expertise to examine the survey report provided to him by MTRCL, and it was also unreasonable to require residents to calculate the amount of compensation they should claim since the adverse impact of underground strata resumption on the redevelopment potential of their buildings had to be determined by professionals. He urged the Administration to take a proactive approach to compensate the owners affected and to subsidize owners to appoint independent surveyors to conducting condition surveys for their buildings.</p> <p>The Administration's response that it was necessary to examine each case based on its own merits to determine the amount of compensation that should be made.</p>	