

政府總部
運輸及房屋局
運輸科
香港添馬添美道2號
政府總部東翼



Transport and
Housing Bureau
Government Secretariat
Transport Branch
East Wing, Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong

本局檔號 Our Ref. THB(T) CR 11/1016/99
來函檔號 Your Ref.
電話號碼 Tel. No. (852) 3509 8190
傳真號碼 Fax. No. (852) 2868 5261

7 September 2012

Council Business Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Mr Franco KWONG)

Fax No. : 2978 7569

Dear Mr KWONG,

**Legislative Council Panel on Transport
Subcommittee on Matters Relating to Railways**

Motion passed at the Meeting on 23 April 2012

Regarding the motion on the mechanism for handling complaints and compensation claims concerning railway works passed at the meeting held on 23 April 2012 by the Subcommittee on Matters Relating to Railways under the Legislative Council Panel on Transport, we would like to respond as follows.

2. Public safety is of paramount importance in tunnel construction. As early as the project design stage, the MTR Corporation Limited (MTRCL) carried out careful and comprehensive assessments on the geological conditions and buildings in the vicinity of the works areas to ensure that the works and the methods employed would not affect the structural integrity of nearby buildings.

3. When the MTRCL receives complaints on damages of buildings, the project team will first contact the residents/owners for a preliminary inspection. Depending upon the nature of the case, the MTRCL may refer the case to a loss adjuster for assessment. The loss adjuster, which is employed by an insurance company (not the MTRCL) and acting as a third party, will assess the compensation claims independently in a professional and open manner. This well-established practice has been widely adopted in Hong Kong and other

countries for handling building damage claims. The loss adjuster will arrange for a joint inspection with the resident/owner, the MTRCL and its contractor. If the assessment by the independent loss adjuster indicates that the damages are caused by railway works, the MTRCL and its contractor will arrange the repair works for the resident/owner as soon as possible.

4. Moreover, under the Railways Ordinance (Cap 519), residents/owners who consider that their land or structures concerned are damaged by railway works may make claims to the Secretary for Transport and Housing (Secretary). In doing so, they have to provide their personal particulars, information of the relevant land or property, the amount of the claim, how the amount claimed is calculated, etc. Claims can also be resolved by negotiations between both parties, not necessarily involving judicial procedures. If agreement on the claim cannot be reached within 7 months from the receipt of the claim by the Secretary, either party may refer the case to the Lands Tribunal. The Lands Tribunal will commence proceedings to have the claim, or any of the part of the claim that is still in dispute, heard and determined by it under the Ordinance.

5. We consider that the current mechanism for handling complaints and compensation claims concerning railway works is fair, professional and efficient. If a claim cannot be settled by agreement, the Lands Tribunal may hand down fair and independent decisions under the ordinance.

Yours sincerely,



(Paul LAW)

for Secretary for Transport and Housing