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2018年7月11日的立法會會議

**就“重整港鐵公司管治”
動議的議案**

田北辰議員已作出預告，會在2018年7月11日的立法會會議上，動議隨附的“重整港鐵公司管治”議案。立法會主席已指示應按所交來的原有措辭印載在立法會議程上。

立法會秘書

(衛碧瑤代行)

連附件

2018年7月11日的立法會會議
田北辰議員就
“重整港鐵公司管治”
動議的議案

議案措辭

香港鐵路有限公司（下稱‘港鐵公司’）為香港興建及營運11條鐵路，而未來將有7個新鐵路項目極有機會交由港鐵公司負責；香港市民在交通上極為依賴鐵路系統，但近年社會對港鐵公司的服務質素、企業管治及工程監管方面都持極大意見；香港特區政府為港鐵公司的大股東，有重大責任監管港鐵公司，為市民提供最優質和安全的鐵路服務及基建；就此，本會促請特區政府採取下列措施重整港鐵公司管治，以挽回公眾對港鐵公司的信心：

- (一) 成立獨立鐵路拓展署——鑒於現時由規劃到興建一條鐵路，涉及多個政府部門，包括機電工程署、土木工程拓展署、屋宇署及路政署等，以致政出多門，效率不彰；另外，由於路政署亦負責全港所有道路、隧道及大橋等工程，使其難以分身，引致監管鐵路方面出現問題；故此，特區政府應成立獨立鐵路拓展署專責鐵路工程，並直接向運輸及房屋局局長負責；
- (二) 同步規劃新發展區及其鐵路配套——過往規劃部分新發展區時，因特區政府未有同時考慮交通配套，令區內出現嚴重交通問題，特區政府於是再急就章興建鐵路，引致工程質素下降；故此，新發展區和鐵路配套應同步規劃，以避免因趕工而影響鐵路項目的質素；
- (三) 督促港鐵公司定期檢討其更新信號系統的投資策略——港鐵列車服務過去多次嚴重延誤皆因信號系統老舊所致，故此，港鐵公司應定期提升信號系統至最新版本，而非以成本為最大考慮因素而拒絕提升信號系統，從而確保為乘客提供穩定及可靠的公共交通服務；
- (四) 理順港鐵公司主席和行政總裁的委任——為應對可預見的鐵路項目，港鐵公司主席和行政總裁兩位最高負責人的其中一位應具備工程背景，以便在最高層面監察工程進度；

- (五) 監督港鐵公司檢討內部招標制度的準則——在制訂其內部招標制度的準則時，港鐵公司應研究依從特區政府的招標制度的準則，着重參考投標者的過去表現、合作態度及問責表現等，而不應偏重價低者得的原則，以及投標者過去負責鐵路項目的次數為優先考慮因素，以免造成壟斷；
- (六) 要求港鐵公司強化工程管理通報機制——港鐵公司應建立具體而具透明度的通報準則，並在兩個層面作出改善：第一層面是要求前線工地員工必須向上級管理層匯報工地情況，包括但不限於向承建商就任何不合符圖則和施工要求的工作發出不及格通知書/報告，而第二層面就是向政府匯報所有屢犯不改、拖延解決及懷疑違反法例要求的施工問題；及
- (七) 提升港鐵公司對承建商工程監管的要求——港鐵公司應參考特區政府對工務工程監管的要求，包括考慮引入工務工程的承建商管理手冊，以對施工質素、工程進度及安全、環境保護、項目負責人的管理及態度、工程分判及採購表現等進行定期評核，以及要求駐地盤人員在場百分百監工，從而提升對鐵路項目監督的嚴謹性。

(Translation)

**Motion on
“Restructuring the governance of MTR Corporation Limited”
to be moved by Hon Michael TIEN
at the Council meeting of 11 July 2018**

Wording of the Motion

That the MTR Corporation Limited (‘MTRCL’) has built and operates 11 railways in Hong Kong, and in the future, seven new railway projects will most likely be assigned to MTRCL; the people of Hong Kong heavily rely on the railway system as a mode of transport, but in recent years, there have been strong views in society on the service quality, corporate governance and supervision of works of MTRCL; the Hong Kong SAR Government as the majority shareholder of MTRCL has a major responsibility of monitoring MTRCL in providing to the public the safest railway services and infrastructure of the best quality; in this connection, this Council urges the SAR Government to adopt the following measures to restructure the governance of MTRCL to restore public confidence in MTRCL:

- (1) setting up an independent railway development department—given that at present, a railway from planning to construction involves various government departments, including the Electrical and Mechanical Services Department, the Civil Engineering and Development Department, the Buildings Department and the Highways Department, resulting in fragmentation of responsibilities and inefficiency; besides, responsible for all the works of roads, tunnels, bridges, etc. in Hong Kong, the Highways Department can hardly attend to everything at the same time, thus giving rise to problems in the regulation of railways; hence, the SAR Government should set up an independent railway development department dedicated to railway works and directly responsible to the Secretary for Transport and Housing;
- (2) planning new development areas in tandem with their ancillary railway facilities—in planning some of the new development areas in the past, since the SAR Government did not concurrently consider ancillary transport facilities, serious traffic problems arose in such areas, and the SAR Government then constructed railways in a rush, thus causing the works quality to fall; hence, new development areas and ancillary railway facilities should be planned in tandem in order to prevent the

quality of railway projects from being affected by very tight work schedules;

- (3) urging MTRCL to regularly review its investment strategy of updating the signalling system—in the past, repeated serious disruptions of MTR train services were caused by the ageing signalling system; hence, MTRCL should regularly upgrade the signalling system to the latest version, rather than refusing to upgrade the signalling system on the ground of the cost being the prime factor of consideration, so as to ensure provision of stable and reliable public transport services to passengers;
- (4) rationalizing the appointment of the Chairman and the Chief Executive Officer of MTRCL—to cope with the foreseeable railway projects, either of the Chairman and the Chief Executive Officer of MTRCL, being the two highest persons-in-charge, should have an engineering background to facilitate monitoring of the works progress at the highest level;
- (5) supervising MTRCL in reviewing the criteria of its internal tendering system—when drawing up the criteria of its internal tendering system, MTRCL should study following the criteria of the tendering system of the SAR Government which draw greater reference from the past performance, cooperative attitude, accountability performance of tenderers, etc., rather than overstressing the principle of ‘the lowest bid wins’ and the number of times the tenderers were awarded railway projects in the past as priority considerations, so as to avoid monopolization;
- (6) requiring MTRCL to strengthen the project management notification system—MTRCL should draw up specific and transparent notification criteria and make improvements on two levels: on the first level, requiring frontline site staff to report to the management in higher ranks the site conditions, including but not limited to issuing to contractors non-conformance notices/reports for any work that does not comply with plans and works requirements, and on the second level, reporting to the Government all construction problems in respect of repeated mistakes without rectification, delays in resolving such problems and suspected violations of statutory requirements; and
- (7) raising MTRCL’s requirements for supervision of the works of contractors—MTRCL should draw reference from the requirements of the SAR Government in supervising public works, including considering the introduction of the Contractor Management Handbook

for public works to conduct regular assessments on the quality, progress and safety of works, environmental protection, management and attitude of the persons-in-charge of projects, subcontracting of works, performance of procurement, etc., and requiring resident site staff to conduct thorough on-site supervision, thereby effecting more stringent supervision of railway projects.