

立法會
Legislative Council

LC Paper No. CB(4)436/18-19
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by the Administration)

Ref: CB4/SS/1/18

**Subcommittee on Peak Tramway (Safety) (Amendment) Regulation 2018
and
Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018**

**Minutes of the first meeting held on
Wednesday, 31 October 2018, at 9:00 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Jeffrey LAM Kin-fung, GBS, JP (Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Dr Hon KWOK Ka-ki
Hon HUI Chi-fung
Hon Tony TSE Wai-chuen, BBS

Member absent : Hon CHAN Han-pan, BBS, JP

**Public Officers
attending** : **Agenda item II**

Commerce and Economic Development Bureau

Mr Aaron LIU Kong-cheung
Deputy Commissioner for Tourism

Miss Maggie CHOW Wan-kam
Assistant Commissioner (Tourism) 3

Department of Justice

Ms Angie LI Sau-lee
Senior Government Counsel

**Related
organization**

: **Agenda item II**

Peak Tramways Company, Limited

Mr Martyn SAWYER
Group Director, Properties
The Hongkong and Shanghai Hotels, Limited

Ms May TSANG
General Manager
Peak Tramways Company, Limited

Mr Mark LOMAS
Project Director
Peak Tramways Company, Limited

Clerk in attendance : Ms Wendy JAN
Senior Council Secretary (4)7

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Maggie CHUNG
Council Secretary (4)1

Ms Prima LAI
Legislative Assistant (4)1

I. Election of Chairman

Mr Jeffrey LAM, the member who had the highest precedence among members present at the meeting, presided over the election of the Chairman. He invited nominations for the chairmanship of the Subcommittee.

2. Mr YIU Si-wing nominated Mr Jeffrey LAM and the nomination was seconded by Mr WONG Ting-kwong. Mr Jeffrey LAM accepted the

nomination. There being no other nominations, Mr Jeffrey LAM was elected Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[L.N. 171 of 2018, L.N. 172 of 2018, TC CR T3 22/22/9, LC Paper Nos. LS4/18-19 and CB(4)136/18-19(02) to (05)]

Discussion

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

Section-by-section examination

5. The Subcommittee commenced section-by-section examination of the Chinese text of the Peak Tramway (Safety) (Amendment) Regulation 2018 and completed examination of sections 1 to 2.

(At 10:26 am, the Chairman ordered that the meeting be extended for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.)

Follow-up actions to be taken by the Administration

6. The Subcommittee requested the Administration to provide the following information:

- (a) regarding the additional Government land to be granted to the Peak Tramways Company Limited ("PTC") at nominal land premium/rent and nil administrative fee for implementing its upgrading plan, provide the estimated amount of full land premium/market rent and administrative fee for using the Government land;
- (b) the number of seated and non-seated passengers in each tramcar before and after increasing the tramcar capacity from 120 passengers to 210 passengers as well as the factors considered by PTC in determining the new tramcar capacity, including the assumed number of standing passengers per square metre;

- (c) details of the alternative public transport services to reach the Peak, including the routes, service hours and statistics on the usage of these services;
- (d) measures to be taken by the Administration to monitor the progress of PTC's upgrading plan to ensure its timely completion, and the follow-up actions to be taken by the Administration if PTC could not complete its upgrading plan by 2021;
- (e) details of the improvement measures to be taken to address the long-standing concerns on the queuing and waiting arrangements at the Upper Terminus, including the size and capacity of the waiting area upon the completion of PTC's upgrading plan, in particular whether the waiting area would be air-conditioned, and if not, the reasons for not doing so;
- (f) services provided/to be provided by PTC at the termini of the peak tramway for assisting the elderly, disabled persons and other passengers with special needs in using the peak tram service;
- (g) the reasons for using the term "all compartments" instead of specifying the number of compartments of the tramcar to substitute the term "both compartments" in section 3 of the Peak Tramway (Safety) (Amendment) Regulation 2018; and
- (h) whether the term "所有車卡" (all compartments) had been used in other legislation relating to public transport.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)184/18-19(02) on 9 November 2018).

III. Any other business

Invitation for public views

7. The Subcommittee considered it not necessary for the Subcommittee to invite public views on the Peak Tramway (Safety) (Amendment) Regulation 2018 and Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018 ("the two pieces of subsidiary legislation").

Legislative timetable and extension of scrutiny period

8. The Subcommittee noted that the scrutiny period of the two pieces of subsidiary legislation would be expired at the Council meeting of 21 November 2018. To allow sufficient time for scrutiny, the Subcommittee agreed that the Chairman would move a resolution at the Council meeting of 14 November 2018 to extend the scrutiny period to the Council meeting of 12 December 2018. If the scrutiny period was extended, the deadline for giving notice of amendments to the two pieces of subsidiary legislation would be 5 December 2018.

(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period of the two pieces of subsidiary legislation was passed at the Council meeting of 14 November 2018.)

Date of next meeting

9. The Subcommittee agreed to hold another meeting to continue discussion with the Administration and section-by-section examination of the two pieces of subsidiary legislation.

(Post-meeting note: The second meeting of the Subcommittee was subsequently scheduled for Monday, 12 November 2018 at 8:30 am.)

10. There being no other business, the meeting ended at 10:46 am.

Council Business Division 4
Legislative Council Secretariat
21 January 2019

Annex

**Subcommittee on Peak Tramway (Safety) (Amendment) Regulation 2018
and Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018**

**Proceedings of the first meeting
held on Wednesday, 31 October 2018, at 9:00 am
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Agenda Item I - Election of Chairman			
000345 – 000549	Mr Jeffrey LAM Mr YIU Si-wing Mr WONG Ting-kwong	Election of Chairman	
Agenda Item II - Meeting with the Administration			
000550 – 001037	Chairman Administration	Briefing by the Administration on the Peak Tramway (Safety) (Amendment) Regulation 2018 and Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018 ("the two pieces of subsidiary legislation").	
001038 - 001629	Chairman Mr YIU Si-wing Administration Peak Tramways Company, Limited ("PTC")	Mr YIU expressed support for the legislative amendments proposed by the Administration. Discussion on: (a) the annual consideration received by the Government for the grant of the operating right of the peak tramway to PTC; (b) the passenger forecast for the peak tram service after the completion of PTC's upgrading plan; and (c) the setting of fares for the peak tram service by PTC.	
001630 - 003647	Chairman Mr Tony TSE Administration PTC	Mr TSE expressed support for improving the peak tram service. Discussion on: (a) the estimated cost of PTC's upgrading plan; (b) the monitoring of the progress of PTC's upgrading plan by the Administration;	Admin to provide information (paragraphs 6(b)-(d) of the minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(c) the capacity and waiting time of the peak tram service upon the completion of PTC's upgrading plan;</p> <p>(d) the provision of more signage for tourists to access the peak tramway station; and</p> <p>(e) the alternative public transport services to reach the Peak.</p>	
003648 - 004655	Chairman Mr HUI Chi-fung Administration	<p>Mr HUI expressed support for improving the peak tram service.</p> <p>Discussion on:</p> <p>(a) the land grant arrangements to facilitate PTC's upgrading plan;</p> <p>(b) the charging mechanism under the current operating right of the peak tramway; and</p> <p>(c) the "key basic principles for the Special Purpose Lease" mentioned in paragraph 1(d) of the Legislative Council Brief (File Ref. :TC CR T3 22/22/9).</p>	Admin to provide information (paragraph 6(a) of the minutes refers)
004656 - 005039	Chairman Mr Frankie YICK Administration PTC	Discussion on the improvements to the waiting areas at the peak tramway's termini upon the completion of PTC's upgrading plan and the measures to be taken against taxi drivers who overcharged tourists in the vicinity.	
005040 - 010607	Chairman Dr KWOK Ka-ki Administration PTC	Dr KWOK's views on the poor queuing and waiting arrangements at termini of the peak tramway, in particular at the Upper Terminus, and the granting of additional Government land to PTC at nominal rent/land premium and nil administrative fee, as well as the responses from the Administration and PTC.	
010608 - 010914	Chairman Mr Tony TSE PTC	<p>Mr TSE's views on PTC's upgrading plan and his call for early completion of the plan.</p> <p>Further discussion on the capacity of the new tramcar.</p>	
010915 - 011419	Chairman Mr YIU Si-wing	Discussion on the ratio of passengers going uphill and downhill by peak tram and the capacity of the	

Time Marker	Speaker(s)	Subject(s)	Action required
	PTC	waiting area at the Upper Terminus before and after the implementation of PTC's upgrading plan.	
011420 - 011836	Chairman Mr HUI Chi-fung Administration	Discussion on: (a) the annual consideration paid by PTC to the Government; (b) the estimated amount of full land premium/rent and administrative fee for using the additional Government land by PTC; and (c) the penalties to be imposed on PTC in case of failure to complete the upgrading plan on time.	
011837 - 013010	Chairman Dr KWOK Ka-ki Administration PTC	Dr KWOK's reiteration of his opinion on the poor queuing and waiting arrangements at the Upper Terminus of the peak tramway. Discussion on: (a) whether there was any escape clause to allow the Administration to terminate the operating right granted to PTC; (b) the measures taken/to be taken by the Administration to urge PTC to improve the queuing and waiting arrangements at the Upper Terminus; and (c) services provided by PTC at the termini of the peak tramway for assisting the elderly, disabled persons and other passengers with special needs in using the peak tram.	Admin to provide information (paragraphs 6(e)-(f) of the minutes refer)
013011 - 013229	Chairman	The Chairman extended the meeting for 15 minutes. The consultation conducted by the Administration on PTC's upgrading plan and the legislative amendment proposals.	
013230- 013351	Chairman Mr HUI Chi-fung Clerk	Legislative timetable and extension of scrutiny period Mr HUI indicated his intention to propose amendments to the Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018.	

Time Marker	Speaker(s)	Subject(s)	Action required
013352 - 013458	Chairman Dr KWOK Ka-ki	Discussion on meeting arrangements.	
<i>Section-by-section examination</i>			
013459 - 013639	Chairman Administration	<p>Peak Tramway (Safety) (Amendment) Regulation 2018</p> <p><u>Section 1 - Commencement</u></p> <p><u>Section 2 - Peak Tramway (Safety) Regulations amended</u></p>	
013640- 014925	Chairman Dr KWOK Ka-ki Mr HUI Chi-fung Administration	<p><u>Section 3 - Regulation 2 amended (interpretation)</u></p> <p>Dr KWOK's enquiry on the reasons for the Administration to repeal the term "both compartments" and substitute that with "all compartments" and his suggestion on specifying the number of compartments of the tramcar in section 3 and the Administration's response.</p> <p>Dr KWOK's enquiry on whether the term "所有車卡" (all compartments) had been used in other legislation relating to public transport.</p> <p><u>Section 4 - Regulation 21 amended (duty relating to number of passengers)</u></p> <p>Mr HUI's enquiry about "the duty relating to number of passengers" in section 4 and the Administration's response.</p> <p>Dr KWOK's enquiry on whether relevant departments, such as the Transport Department and the Electrical and Mechanical Services Department, had been consulted on PTC's upgrading plan and the proposed amendments in the two pieces of the subsidiary legislation and the Administration's response.</p>	Admin to provide information (paragraphs 6(g)-(h) of the minutes refer)
Agenda Item III - Any other business			
014926 – 014953	Chairman	Concluding remarks	

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