

立法會
Legislative Council

LC Paper No. CB(4)437/18-19
(These minutes have been seen
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 second meeting held on
Monday, 12 November 2018, at 8:30 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 I**

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

Miss Annet LAI Chau-mei
Government Counsel

Related organization : **Agenda item I**

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 Angela CHU
Senior Council Secretary (4)1

Ms Prima LAI
Legislative Assistant (4)1

I. Meeting with the Administration

[L.N. 171 of 2018, L.N. 172 of 2018, TC CR T3 22/22/9, LC Paper Nos. CB(4)184/18-19(01) to (03), CB(4)136/18-19(02) to (05) and LS4/18-19]

Discussion

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

Continuation of section-by-section examination

2. The Subcommittee continued the section-by-section examination of the Chinese text of the Peak Tramway (Safety) (Amendment) Regulation 2018 ("the Regulation") and the Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018 ("the Notice") from section 3 of the Regulation onwards.

Proposed amendment by Mr HUI Chi-fung

3. Members noted that Mr HUI Chi-fung would, pending the Administration's responses to his questions as stated in his letter dated 8 November 2018 (LC Paper No. CB(4)184/18-19(03)), consider proposing an amendment to section 1 of the Notice to postpone its commencement date from 31 December 2018 to 1 June 2019.

(Post-meeting note: The Administration's written responses to Mr HUI's questions were circulated to members vide LC Paper No. CB(4)224/18-19(01) on 19 November 2018.)

Legislative timetable

4. The Chairman concluded that the Subcommittee had completed the section-by-section examination of the Regulation and the Notice and would not propose any amendment to the two pieces of subsidiary legislation.

5. Members noted that the Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 30 November 2018. Subject to the passing of the Chairman's resolution to extend the scrutiny period of the two pieces of subsidiary legislation to the Council meeting of 12 December 2018, the deadline for giving notice of amendments to the two pieces of subsidiary legislation would be 5 December 2018.

Follow-up actions to be taken by the Administration

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

- (a) statistics on the waiting time for the peak tramway service at the Upper Terminus before and after the completion of the Peak Tramways Company Limited ("PTC")'s upgrading plan, including the results of the consultancy study on waiting time commissioned by PTC;
- (b) interim measures to be taken to improve the queuing and waiting arrangements at the Upper Terminus before the completion of PTC's upgrading plan; and
- (c) whether the Administration had consulted relevant departments, such as the Transport Department and the Electrical and Mechanical Services Department, on the proposed increase in tramcar capacity and PTC's upgrading plan, including the interface with other means of transport at the upgraded termini. If yes, the details; if no, the reasons.

(Post-meeting note: The Administration's written responses were circulated to members vide LC Paper No. CB(4)238/18-19(02) on 21 November 2018.)

II. Any other business

- 7. There being no other business, the meeting ended at 9:41 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 second meeting
held on Monday, 12 November 2018, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Agenda Item I - Meeting with the Administration			
000642 - 000739	Chairman	Opening remarks	
000740 - 001419	Chairman Dr KWOK Ka-ki Administration Peak Tramways Company Limited ("PTC")	Discussion on the design of and the number of seats to be provided in the proposed new tramcars. The Administration was requested to provide statistics on the waiting time for the peak tramway service at the Upper Terminus before and after the completion of PTC's upgrading plan.	Admin to provide information (paragraphs 6(a) of the minutes refers)
001420 – 001943	Chairman Mr HUI Chi-fung Administration	Mr HUI's enquiry about the land premium for the additional land to be granted to PTC as set out in his letter (LC Paper No. CB(4)184/18-19(03)) and the Administration's response.	
001944 – 002441	Chairman Mr Tony TSE Administration PTC	Mr TSE called for early implementation of PTC's upgrading plan. Mr TSE's views on the provision of the estimated queuing time for passengers waiting for the peak tramway service and signage for tourists to access the peak tramway station as well as the responses from the Administration and PTC.	
002442 - 003207	Chairman Mr WONG Ting-kwong Administration	Discussion on the improvements to be made to the traffic and transport arrangements in the vicinity of the Lower Terminus to tie in with PTC's upgrading plan.	
003208 - 003758	Chairman Dr KWOK Ka-ki Administration PTC	Discussion on the interim measures to be taken by PTC to improve the queuing and waiting arrangements at the Upper Terminus before the completion of PTC's upgrading plan.	Admin to provide information (paragraphs 6(b) of the minutes refers)

Time Marker	Speaker(s)	Subject(s)	Action required
003759 - 004222	Chairman Mr HUI Chi-fung Administration	Mr HUI's enquiry relating to the granting of additional land to PTC by the Administration and the measures to monitor PTC's performance as set out in his letter (LC Paper No. CB(4)184/18-19(03)) as well as the Administration's response. Mr HUI called on the Administration to conduct an interim review of the progress of PTC's upgrading plan during the 20-year operating period.	
004223 - 004816	Chairman Dr KWOK Ka-ki PTC	Dr KWOK's reiteration on the importance of improving the queuing and waiting arrangements at the Upper Terminus before the completion of PTC's upgrading plan and PTC's response.	
004817 - 005215	Chairman Mr Frankie YICK Administration	Discussion on the extension of the temporary canopy erected outside the Upper Terminus to improve the waiting environment.	
<i>Continuation of section-by-section examination</i>			
005216 - 010024	Chairman Administration Dr KWOK Ka-ki Assistant Legal Adviser 3 ("ALA3")	Peak Tramway (Safety) (Amendment) Regulation 2018 ("the Regulation") <u>Section 3 - Regulation 2 amended (interpretation)</u> Dr KWOK's follow-up enquiry about the use of the term "all compartments" in other legislation relating to public transport, the Administration's response and ALA3's advice. Dr KWOK's further enquiry on whether the Administration had consulted relevant departments, such as the Transport Department and the Electrical and Mechanical Services Department, on the proposed increase in tramcar capacity and PTC's upgrading plan, and the Administration's response.	Admin to provide information (paragraphs 6(c) of the minutes refers)
010025 - 010056	Chairman Administration	<u>Section 4 - Regulation 21 amended (duty relating to number of passengers)</u> Members raised no query.	
010057 - 010237	Chairman Administration ALA3	Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018 ("the Notice")	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p><u>Section 1 - Commencement</u></p> <p><u>Section 2 - Peak Tramway Ordinance amended</u></p> <p><u>Section 3 - Section 3 amended (power to construct and work certain tramways)</u></p> <p>Members raised no query.</p> <p>ALA3 affirmed that there was no discrepancy between the Chinese and English texts of the Regulation and the Notice in respect of the legal and drafting aspects.</p>	
010238 - 011341	Chairman Dr KWOK Ka-ki Mr HUI Chi-fung Administration ALA3	<p>Briefing by Mr HUI on his proposed amendment to the Notice as set out in LC Paper No. CB(4)184/18-19(03).</p> <p>The Administration did not agree to Mr HUI's proposed amendment.</p> <p>ALA3 advised that the admissibility of the motion to amend subsidiary legislation would be decided by the President of the Legislative Council.</p>	
011342 - 011445	Chairman	Legislative timetable	
Agenda Item II - Any other business			
011446 - 011501	Chairman	Closing remarks	

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