

# 立法會

## *Legislative Council*

LC Paper No. CB(1)1058/06-07  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/3/05

### **Bills Committee on Rail Merger Bill**

#### **Minutes of fifteenth meeting on Monday, 29 January 2007, at 10:45 am in the Chamber of the Legislative Council Building**

- Members present** :
- Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
  - Hon TAM Yiu-chung, GBS, JP (Deputy Chairman)
  - Hon Albert HO Chun-yan
  - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
  - Hon LEE Cheuk-yan
  - Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
  - Hon CHAN Kam-lam, SBS, JP
  - Hon LEUNG Yiu-chung
  - Hon SIN Chung-kai, JP
  - Hon LAU Kong-wah, JP
  - Hon Emily LAU Wai-hing, JP
  - Hon Andrew CHENG Kar-foo
  - Hon Abraham SHEK Lai-him, JP
  - Hon LI Fung-ying, BBS, JP
  - Hon Tommy CHEUNG Yu-yan, JP
  - Hon WONG Kwok-hing, MH
  - Hon LI Kwok-ying, MH, JP
  - Hon LEE Wing-tat
  - Hon Jeffrey LAM Kin-fung, SBS, JP
  - Hon LEUNG Kwok-hung
  - Dr Hon Fernando CHEUNG Chiu-hung
  - Hon Ronny TONG Ka-wah, SC
  - Hon KWONG Chi-kin
  - Hon TAM Heung-man
- Members absent** :
- Dr Hon LUI Ming-wah, SBS, JP
  - Hon Albert CHAN Wai-yip
  - Hon CHEUNG Hok-ming, SBS, JP
  - Hon CHIM Pui-chung
  - Prof Hon Patrick LAU Sau-shing, SBS, JP

**Public Officers Attending** : Mr Patrick HO  
Deputy Secretary for the Environment, Transport and Works

Miss Ida LEE  
Principal Assistant Secretary for the Environment,  
Transport and Works

Mr Kady LO Kin-hung  
Chief Inspecting Officer (Railways)  
Environment, Transport and Works Bureau

Mr Andrew TSANG  
Principal Assistant Secretary for Financial Services and the  
Treasury (Acting)

Mr Sunny CHAN Yuen-sun  
Senior Government Counsel  
Department of Justice

Miss Clara LEUNG  
Government Counsel  
Department of Justice

Mr Albert YUEN Lap-pun  
Assistant Commissioner for Transport/Bus & Railway

Miss Alice AU YEUNG  
Principal Transport Officer (Bus and Railway)  
Transport Department

**Attendance by invitation** : MTR Corporation Limited

Mr Andrew McCUSKER  
Operations Director

Mr Wilfred LAU  
Head of Operations

Ms Maggie SO  
External Affairs & Government Relations Manager

Kowloon-Canton Railway Corporation

Mr Y T LI  
Senior Director, Transport

Mr Raymond WONG  
Senior Corporate Affairs Manager

**Clerk in attendance** : Mr Andy LAU  
Chief Council Secretary (1)2

**Staff in attendance** : Ms Connie FUNG  
Assistant Legal Adviser 3

Ms Sarah YUEN  
Senior Council Secretary (1)6

Mr Anthony CHU  
Council Secretary (1)2

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**I Integrated Operating Agreement**

- (LC Paper No. CB(1)627/06-07(01) - The Administration's response to issues raised at the meeting on 19 December 2006 on Integrated Operating Agreement
- LC Paper No. CB(1)755/06-07(01) Submission from Dr Hon Fernando CHEUNG Chiu-hung on the Integrated Operating Agreement
- LC Paper No. CB(1)520/06-07(01) - Information paper on the Integrated Operating Agreement provided by the Administration
- LC Paper No. IN03/06-07 - Information note on major changes proposed in the draft Integrated Operating Agreement between the MTR Corporation Limited and the Government prepared by Research and Library Services Division of the LegCo Secretariat)

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

2. The Bills Committee continued to examine the integrated Operating Agreement (OA) clause by clause.

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3. On clause 4.4 on "Passenger Environment", some members expressed concern about sub-clause 4.4.1 on how Kowloon-Canton Railway Corporation (KCRC) monitored the temperature inside train compartments in order to maintain a comfortable environment. KCRC explained that it followed guidelines in adjusting the temperature inside train compartments taking into account various factors, including the number of passengers, seasonal fluctuations and peak hours factor.

4. The Bills Committee had examined the new sub-clause 4.4.3 which stated that the post-merger Corporation (MergeCo) should take into account all the guidance notes, practice notes and advice as might be issued by the Government from time to time relating to any aspects of the transmission of audio or audio-visual programmes in train compartments. Members in general expressed concern that the excessive volume from the broadcasting of news and advertisements by the Kowloon-Canton Railway Corporation (KCRC) in the train compartments of the East Rail, West Rail and Ma On Shan Rail had caused a great disturbance to passengers. In response, KCRC advised that the corporation had conducted customer surveys to gauge customers' feedback on the provision of on-board broadcasts. According to the survey findings, the sound level was in general acceptable to the customers. In order to ensure that the guidance notes to be issued by the Administration could ensure the provision of a comfortable travelling environment for passengers, the Bills Committee considered it necessary for the Administration to submit the draft guidelines for consideration by members. Some members also suggested that KCRC should expand the provision of Quiet Zones/Cars to 50% of each train for the East Rail, West Rail and Ma On Shan Rail, and that news programmes and advertisements in train compartments should be broadcasted in the mute mode with captions. In response, the Administration advised that the arrangement of setting specific guidelines to regulate on-board broadcasts in train compartments mirrored the existing arrangement in relation to regulation over the broadcasting of audio-visual programmes in franchised buses. The guidelines for MergeCo would cover the locations of the displays and the sound volume taking into account the ambient noise level. Pending approval of the rail merger, the Administration would work out the guidelines for compliance by MergeCo. However, in response to members' concerns, the Administration undertook to reconsider members' suggestion to advance the drafting of the guidelines and provide relevant information to the Bills Committee.

5. The Bills Committee had also examined a suggestion that the integrated OA should be suitably expanded to stipulate that MergeCo should be required to provide radio reception on board its trains as it was unfair to deprive passengers' rights to receive information in train compartments. The Administration explained that it did not have any policy to require any railway operator to provide radio reception on board its trains, pointing out that passengers could receive updated service-related information from the passenger information display system and the public address system inside railway stations and train compartments. The Administration however undertook to discuss with the two railway corporations on members' suggestions and revert to the Bills Committee in due course.

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6. In response to the request of Dr Fernando CHEUNG Chiu-hung, MTR Corporation Limited (MTRCL) advised that it would look into the feasibility of accommodating two passengers in wheelchairs or more in the same train compartment when it reviewed the design of train compartment in future. During off-peak periods, MTRCL would endeavour to assist passengers in wheelchairs to board the same train as far as practicable. Regarding the arrangement for passengers in wheelchairs to call MTRCL one hour ahead of their scheduled travelling time, MTRCL explained that this could enable station staff to make the necessary arrangements in time to facilitate passengers in wheelchairs to travel on MTR. MTRCL would however provide the necessary assistance to all those passengers in wheelchairs who had not given such advance notice to MTRCL as far as practicable.

7. On clause 4.6, the Bills Committee had examined the adequacy of this clause and other statutory requirements to mitigate the noise and vibration from the maintenance and operation of the railway to the residents living along the railway corridor to an acceptable level. In particular, members sought justifications from the Administration on the criteria Environmental Protection Department (EPD) considered when issuing construction noise permit under the Noise Control Ordinance (NCO) (Cap. 400) which allowed KCRC to undertake maintenance works at night time in the North District which had caused great disturbance to the nearby residents. Pending further information to be provided by the Administration and the two railway corporations, the Bills Committee might re-visit the relevant provision in due course.

Follow-up actions

8. To address various concerns expressed at the meeting, the Administration and the two railway corporations were requested to provide information on the following –

Clause 4.4

- (a) The Administration to advise whether it would allow MergeCo to broadcast audio or audio-visual programmes in train compartments and train stations, and whether the current restrictions as set out in the KCRC By-laws governing the conduct of passengers to avoid causing nuisance or annoyance to other passengers should form the basis of Government's policy in relation to any aspects of the transmission of audio or audio-visual programmes in train compartments and train stations;
- (b) The Administration to provide a copy of the guidelines in relation to the regulation over the broadcasting of audio or audio-visual programmes in franchised buses;
- (c) The Administration to provide information on the guidelines on the regulation over the broadcasting of audio or audio-visual programmes in train compartments, and consider setting out in the guidelines the requirement to (i) provide a minimum proportion of Quiet Zones/Cars, say

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50%, among the train compartments for the East Rail, West Rail and Ma On Shan Rail; and (ii) provide the broadcasts of news programmes and advertisements in train compartments in the mute mode with captions;

- (d) KCRC to provide information on the surveys conducted by KCRC on the provision of on-board broadcasts of news programmes and advertisements, including the relevant questionnaire;
- (e) The Administration to consider stipulating in the IOA the requirement for MergeCo to provide radio reception on board its trains;

Clause 4.6

- (f) The Administration to provide details on the criteria EPD would consider in issuing construction noise permits to KCRC for the railway maintenance works under NCO;
- (g) The Administration to provide details on the statutory limits of the noise emitted due to railway operations and whether it was appropriate to make reference to noise limits of overseas jurisdictions in setting the limit, and the measures adopted by the two railway corporations to rectify the exceedance cases;
- (h) The Administration to consider stipulating in the IOA the requirement for MergeCo to comply with the guidance notes, practice notes and advice as might be issued by the Government from time to time relating to the noise level emitted due to maintenance works;
- (i) The Administration to provide information on measures taken by the Environment, Transport and Works Bureau, and the Housing, Planning and Lands Bureau at the initial planning stage of railway development to ensure that residents along the railway corridor would not be exposed to excessive railway noise upon implementation;

Clause 4.7

- (j) The Administration and the railway corporations to provide information on measures taken to ensure the provision and maintenance of a reliable ticketing system for the efficient and effective collection of fares, particularly in the light of the equipment failure happened on 10 January 2007, leading to overcharging of passengers using Octopus cards.

**II Any other business**

9. The Bills Committee agreed to continue examining the integrated OA clause by clause at the next meeting scheduled for Tuesday, 6 February 2007, from 8:30 am to

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10:30 am.

10. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
5 March 2007

**Proceedings of the fifteenth meeting of  
the Bills Committee on Rail Merger Bill  
on Monday, 29 January 2007, at 10:45 am  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Integrated Operating Agreement</i>			
000000 - 000046	Chairman Admin	<ul style="list-style-type: none"> <li>- Opening remarks</li> <li>- Briefing by the Administration on clause 4.4</li> </ul>	
000047 - 000555	Mr LEE Wing-tat Admin	<ul style="list-style-type: none"> <li>- Discussion on the Administration's policy on the broadcasting of audio and audio-visual programmes in train compartments and train stations</li> <li>- Discussion on the guidance notes, practices notes and advice issued by the Government on the transmission of audio and audio-visual programmes in train compartments (clause 4.4.3)</li> </ul>	
000556 - 001014	Ms Emily LAU Admin Kowloon-Canton Railway Corporation (KCRC)	<ul style="list-style-type: none"> <li>- Discussion on excessive noise generated from the transmission of audio or audio-visual programmes in train compartments</li> <li>- Request for provision of radio reception on board train compartments</li> </ul>	
001015 - 001542	Dr Fernando CHEUNG MTR Corporation Limited (MTRCL)	<ul style="list-style-type: none"> <li>- Discussion on assistance provided by MTRCL to wheelchairs users</li> </ul>	
001543 - 003427	Mr LAU Kong-wah Mr Andrew CHENG Mr LEE Wing-tat Admin	<ul style="list-style-type: none"> <li>- Discussion on clause 4.4.3 regarding               <ul style="list-style-type: none"> <li>i) the guidance notes for franchised bus and the train compartments</li> <li>ii) Administration's policy on the broadcasts of audio or visual audio programmes in train compartments and train stations</li> <li>iii) percentage of Quiet Cars/Quiet Zones in trains</li> <li>iv) railway corporations' passengers survey on the provision of audio or audio visual programmes in train compartments</li> </ul> </li> </ul>	Administration to take necessary follow-up action
003428 - 003949	Ms Emily LAU KCRC	<ul style="list-style-type: none"> <li>- Discussion on monitoring of the temperature inside train compartments (clause 4.4.1)</li> </ul>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
003950 - 004509	Mr WONG Kwok-hing MTRCL	- Discussion on the broadcast of audio and audio-visual programmes in train compartments after the rail merger	
004510 - 005001	Dr Fernando CHEUNG MTRCL	- Discussion on assistance provided by MTRCL to wheelchairs users	
005002 - 005500	Mr LEUNG Kwok-hung MTRCL	- Discussion on holding public forum to seek public views on restricting the broadcasting of audio and audio-visual programmes in train compartments, and reiteration of objection to the Bill by Mr LEUNG Kwok-hung	
005501 - 005647	Miss TAM Heung-man MTRCL	- Discussion on the provision of a barrier-free access to MTR service for persons with disabilities	
005648 - 010158	Mr Andrew CHENG Admin	- Discussion on the Administration's policy on MergeCo's obligation to provide radio reception on board its trains	
010159 - 010904	Mr LEE Wing-tat Admin Chairman	- Request for a draft guideline for MergeCo in respect of the transmission of audio and audio-visual programmes in train compartments	
010905 - 011531	Mrs Selina CHOW Admin Mr Abraham SHEK	- Views of Mrs Selina CHOW and Mr Abraham SHEK that the Administration should discuss with the railway corporations on members' suggestions. A suitable forum should be provided to follow up the issue of on-board broadcast	
011532 - 012938	Mr LEUNG Kwok-hung Mr Ronny TONG Mr LAU Kong-wah Chairman Admin	- Discussion on clause 4.4.3 regarding i) the Administration's policy on the regulation over the broadcasting of audio or audio-visual programmes in train compartments ii) when the Administration would provide draft guidance notes for members' consideration	Administration to take necessary follow-up action
012939 - 013524	Mr Andrew CHENG Admin Chairman	- Request for the Administration's policy on requiring the railway corporations to provide radio reception on board their trains	Administration to take necessary follow-up action
013525 - 013707 -	Admin Chairman	- Briefing by the Administration on clause 4.5	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013708 - 015647	Mr WONG Kwok-hing Mr LAU Kong-wah Chairman Ms Emily LAU Mr LEE Wing-tat Mr LEUNG Yiu-chung Mr LEUNG Kwok-hung Admin	<ul style="list-style-type: none"> <li>- Briefing by the Administration on clause 4.6</li> <li>- Discussion on clause 4.6 regarding               <ul style="list-style-type: none"> <li>i) how to ensure that the noise emitted due to the operation of railway was at all times kept to a minimum and the statutory standards for the operation of railway and the relevant mitigation measures for exceedance cases</li> <li>ii) excessive noise generated by KCRC in its maintenance activities</li> <li>iii) measures of the Environment, Transport and Works Bureau and Housing, Planning and Lands Bureau at the initial stage of railway development to ensure residents along railway corridor would not be exposed to excessive railway noise upon implementation</li> <li>iv) railway noise limits in overseas jurisdictions</li> </ul> </li> </ul>	Administration to take necessary follow-up action
015648 - 015759	Chairman Ms Emily LAU	<ul style="list-style-type: none"> <li>- Request for information relating to clause 4.7 on the provision and maintaining a reliable ticketing system for the efficient and effective collection of fares</li> </ul>	Administration to take necessary follow-up actions
<i>Agenda Item II – Any other business</i>			
015800 – 015820	Chairman	<ul style="list-style-type: none"> <li>- Date of next meeting</li> </ul>	