

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1502/06-07  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/3/05

**Bills Committee on Rail Merger Bill**

**Minutes of nineteenth meeting on  
Tuesday, 6 March 2007, at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Hon Miriam LAU Kin-yee, GBS, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
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 Albert CHAN Wai-yip  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon LI Kwok-ying, MH, JP  
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** : Hon TAM Yiu-chung, GBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Dr Hon LUI Ming-wah, SBS, JP  
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 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
  - Mrs CHU POON Kit-man, Hedy  
Principal Assistant Secretary for the Environment,  
Transport and Works
  - Mr Kady LO Kin-hung  
Chief Inspecting Officer (Railways)  
Environment, Transport and Works Bureau
  - Mr David LAU  
Principal Assistant Secretary for Financial Services and the  
Treasury
  - Mr Sunny CHAN Yuen-sun  
Senior Assistant Law Draftsman  
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
  - Mr Andrew McCUSKER  
Operations Director
  - Mr Wilfred LAU  
Head of Operations
  - Mrs Miranda LEUNG  
General Manager – Corporate Relations
  - 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 Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1058/06-07 - Minutes of the meeting held on  
29 January 2007)

The minutes of the meeting held on 29 January 2007 were confirmed.

2. The Bills Committee considered the meeting schedule for the period up to June 2007. The agreed meeting schedule was circulated to members after the meeting.

**II 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)1071/06-07(01) - Submission from Dr Hon Fernando  
CHEUNG Chiu-hung dated 1 March  
2007 on the integrated Operating  
Agreement  
LC Paper No. CB(1)1006/06-07(01) - Submission from Dr Hon Fernando  
CHEUNG Chiu-hung dated  
23 February 2007 on the integrated  
Operating Agreement

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- LC Paper No. CB(1)755/06-07(01) - Submission from Dr Hon Fernando CHEUNG Chiu-hung dated 15 January 2007 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. CB(1)872/06-07(01) - Information paper on collection of fares 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)

3. The Bills Committee deliberated (index of proceedings attached at **Annex**).
4. The Bills Committee continued to examine the integrated Operating Agreement (IOA) clause by clause.
5. The Bills Committee had examined the safety management provisions in IOA to see if the proposed arrangements and requirements were adequate for the Inspector appointed by the Government to monitor the overall design, construction, operation and maintenance of the railway systems to very high safety standards.
6. To ensure a high degree of impartiality of the review conducted by the independent safety expert on the safety management system of the post-merger corporation (MergeCo), some members considered that Government should assume a more positive and active role in the selection and appointment process and requested the Administration to review the matter (clause 5.3).
7. Regarding the operation of driverless trains, the Administration advised that MTR Corporation Limited had not submitted any proposal to the Government. In future, MergeCo should not commence operation of driverless trains until the Hong Kong Railway Inspectorate (HKRI) confirmed that it was safe to be used for the conveyance of passengers and their luggage and goods (clause 5.7).
8. Some members considered that, notwithstanding the established notification and reporting regimes as well as the safety management provisions in the IOA and the legislation, the earlier railway incidents had reflected an inadequacy in communication between the railway corporations and the Government and there was a need to refine the notification and reporting regimes and enhance the interface between the Corporation and the Government to ensure the safety of the railway. The Administration advised that Government would review from time to time with the two railway corporations on routine monitoring and inspection issues and on follow-up

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actions on incidents. It had also reviewed the notification regime for railway incidents and matters. Details were set out in a paper submitted to the Subcommittee on Matters Relating to Railways (LC Paper No. CB(1)2069/05-06(03)).

9. Some members considered that HKRI should play a more active and positive role in reviewing, controlling and minimizing safety risks associated with railway development and operation. To this end, Mr Andrew CHENG suggested that the power and staffing support of HKRI be strengthened. He also requested that maintenance schedules and procedures of MergCo should be submitted to the Inspector for evaluation.

10. The Administration advised that under the existing regulatory regime, the two railway corporations were required to maintain and operate the railway at all times, having full regard to the safety of the system and to the satisfaction of HKRI. They were also required to establish a safety management system to review, control and minimize safety risks, and notify the Government of all safety related incidents occurring on the railway systems. HKRI was also empowered to investigate these railway incidents. Should the two railway corporations fail to take remedial action, the Government could require them to take such remedial actions. Separately, MTRCL would engage an independent safety expert to review its safety management system at a regular interval of not more than three years.

11. On the staffing support of HKRI, the Administration advised that HKRI comprised 7 professionals but other professional departments would render the necessary support on a need basis.

12. Mr WONG Kwok-hing was concerned about the employment of part-time staff and contract staff by MergeCo as well as the outsourcing arrangements which would have serious implications on the interests of employees. He opined that suitable provisions should be included in IOA to restrict MergeCo from doing so.

13. The Bills Committee had also examined the difficulties encountered by the two railway corporations in the installation of platform screen doors (PSDs) and platform gates to enhance passenger safety. The Bills Committee noted that the Kowloon-Canton Railway Corporation would commission a trial at Lo Wu station in December 2007 to examine the feasibility of installing mechanical gap fillers at East Rail stations to reduce platform gaps before platform gates would be considered. It had requested the railway corporations to speed up the related work, examine the feasibility of installing platform gates at Light Rail stations, and provide further information to account for the difficulties encountered in retrofitting platform gates at existing MTR stations.

14. With the promulgation of a new Technical Circular on air ventilation assessments (AVA) as one of the considerations in the planning of major development and redevelopment proposals, views had been expressed that Government should provide information on how to address wall effects in property development projects to be undertaken by the two railway corporations in future, including those in the

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pipeline which had yet to be developed.

15. The Administration was requested to –

Clause 4.15.1

- (a) consider amending clause 4.15.1 to include the provision of appropriate contrast tactile guide paths and anti-slip stair treads at railway stations;

Clause 5.2

- (b) to clarify whether there was any repetition of the reference to “such instructions have safety implications” in clauses 5.2.2 (a) and (b);

Clause 5.3

- (c) consider amendments to ensure impartiality of the independent safety expert or Government to assume a more proactive role in the selection process of the independent safety expert engaged by MergeCo;
- (d) refine the drafting of clause 5.3 to make it clear that in no circumstances would the reviews of the safety management system be conducted at intervals more than three years;

Clause 5.5

- (e) consider including the maintenance schedules and procedures referred to in clause 5.5.3 in the list of submissions to the Inspector as stipulated in clause 5.2.1;

Clause 5.6

- (f) provide a breakdown of the workforce employed by the two railway corporations in terms of full-time staff, part-time staff, permanent staff, contract staff, direct staff employed by the two railway corporations and contract staff employed by contractors engaged by the two railway corporations;

Clause 5.7

- (g) MTRCL to explain the difficulties in installing platform screen doors and platform gates at existing above-ground MTR stations;

Clause 5.8

- (h) consider amending clause 5.8 to the effect that the contingency plans to be developed by MergeCo should cover arrangements for matters other than

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those listed in clause 5.8 such as refund arrangement; and

Clause 6.1

- (i) provide information on how the issue on "wind shield effect" can be addressed in property development projects to be undertaken by the two railway corporations in future, including those in the pipeline which had yet to be developed.

**III Any other business**

16. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
7 May 2007

**Proceedings of the nineteenth meeting of  
the Bills Committee on Rail Merger Bill  
on Tuesday, 6 March 2007, at 4:30 pm  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 - 000023	Chairman	- Confirmation of minutes of the meeting held on 29 January 2007 (LC Paper No. CB(1)1058/06-07)	
000024 - 003103	Chairman Mr LEE Wing-tat Mr WONG Kwok-hing Mr Andrew CHENG Mr Tommy CHEUNG Mr Jeffrey LAM Mr LAU Kong-wah Mr LEE Cheuk-yan Mr Abraham SHEK Ms Emily LAU Ir Dr Raymond HO Mr Albert CHAN Dr Fernando CHEUNG	- Meetings schedule	
<i>Agenda Item II – Integrated Operating Agreement</i>			
003104 - 003419	Administration	- Briefing by the Administration on clause 5.1 to clause 5.5	
003420 - 003949	Mr WONG Kwok-hing Administration	- Discussion on the standardization of the safety management systems of the two railway corporations after the rail merger (clause 5.1.2)  - Discussion on the appointment of the Inspector and the establishment of the Hong Kong Railway Inspectorate  - Discussion on the appropriateness for the post-merger corporation (MergeCo) to engage an independent safety expert to review its own system (clause 5.3)	
003950 - 004429	Mr LEE Cheuk-yan Administration MTR Corporation (MTRC)	- Discussion on the safety implications associated with driverless train, the possibility of deploying driverless train for operation in Hong Kong and the necessary approving process (clause 5.7)	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
004430 - 005002	Mr LAU Kong-wah Administration	<ul style="list-style-type: none"> <li>- Discussion on measures to enhance communication between the railway corporations and the Government over safety issues and the notification regime for railway incidents and matters</li> <li>- Discussion on the role of the Government in the appointment of the independent safety expert to review the safety management system of MergeCo (clause 5.3)</li> </ul>	
005003 - 005447	Mr LEE Wing-tat Administration	<ul style="list-style-type: none"> <li>- Discussion on greater Government involvement in the appointment of the independent safety expert by MergeCo (clause 5.3)</li> </ul>	
005448 - 010158	Mr Andrew CHENG Administration	<ul style="list-style-type: none"> <li>- Discussion on greater Government involvement in the appointment of the independent safety expert by MergeCo (clause 5.3)</li> <li>- Discussion on greater Government involvement in the formulation and operation of the maintenance management system, and the requirement and need for MergeCo to submit its maintenance schedules and procedures to the Inspector (clause 5.5)</li> </ul>	
010159 - 010420	Dr Fernando CHEUNG Administration	<ul style="list-style-type: none"> <li>- Discussion on the provision of appropriate contrast tactile guide paths and anti-slip stair treads (clause 4.15.1)</li> <li>- Discussion on the provision of platform screen doors and platform gates at each and every railway station (clause 5.7)</li> </ul>	
010421 - 011109	Mr Andrew CHENG Administration Kowloon-Canton Railway Corporation (KCRC)	<ul style="list-style-type: none"> <li>- Discussion on the need for MergeCo to submit its maintenance schedules and procedures to the Inspector under clause 5.2.1</li> <li>- Discussion on the deployment of vehicles and equipment for the rescue of passengers and persons employed on the railway (clause 5.4.1)</li> </ul>	
011110 - 011347	Chairman Mr LAU Kong-wah Administration	<ul style="list-style-type: none"> <li>- Discussion on increasing the Government's role in the appointment of the independent safety expert (clause 5.3)</li> </ul>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		<ul style="list-style-type: none"> <li>- Discussion on the communication between the two railway corporations and the Inspector with reference to the previous review of the notification regime for railway incidents and matters as set out in LC Paper No. CB(1)2069/05-06(03)</li> </ul>	
011348 - 011546	Administration	<ul style="list-style-type: none"> <li>- Briefing by the Administration on clause 5.6 to clause 5.8</li> </ul>	
011547 - 012214	Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> <li>- Discussion on the scope of the contingency plans to be developed by MergeCo (clause 5.8)</li> <li>- Discussion on provision of railway staff (clause 5.6)</li> </ul>	
012215 - 012809	Chairman KCRC Dr Fernando CHEUNG	<ul style="list-style-type: none"> <li>- Discussion on the provision of platform screen doors and platform gates along East Rail and Light Rail stations (clause 5.7)</li> </ul>	
012810 - 013209	Mr Andrew CHENG Administration	<ul style="list-style-type: none"> <li>- Discussion on the application of clause 5.7.1 which covered, inter alia, deployment of driverless train</li> <li>- Discussion on the need for MergeCo to provide maintenance schedule and procedures to the Inspector under clause 5.2.1, having regard to the requirements in clause 5.7.2 (d)</li> </ul>	
013210 - 014245	Mr LEE Wing-tat MTRC Dr Fernando CHEUNG	<ul style="list-style-type: none"> <li>- Discussion on the provision of platform screen doors and platform gates at MTR stations (clause 5.7)</li> <li>- Discussion on the adequacy of staffing support in the Hong Kong Railway Inspectorate and how it carried out its work</li> </ul>	
014246 - 014309	Administration	<ul style="list-style-type: none"> <li>- Briefing by the Administration on clause 6</li> </ul>	
014310 - 014943	Mr LEE Wing-tat Administration Chairman	<ul style="list-style-type: none"> <li>- Discussion on ways to address the wall effect in property development projects of the two railway corporations (clause 6)</li> </ul>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
014944 - 015150	Mr WONG Kwok-hing Administration	- Discussion on the appropriateness of adding a specific provision in clause 6 to require property development projects of MergeCo to avoid causing "wind shield effect" on the surrounding environment	
015151 - 015649	Mr LEE Wing-tat Administration	- Discussion on how Government could co-ordinate the provision of rail-related housing developments of MTR Corporation Limited	
<i>Agenda Item III – Any other business</i>			
015650 - 015711	Chairman	- Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
7 May 2007