

立法會
Legislative Council

LC Paper No. CB(1)2249/06-07
(These minutes have been seen
by the Administration)

Ref: CB1/BC/3/05

Bills Committee on Rail Merger Bill

**Minutes of thirtieth meeting on
Saturday, 12 May 2007, at 9:00 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 SIN Chung-kai, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon TAM Heung-man

Members absent : Dr Hon LUI Ming-wah, SBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Hon LI Fung-ying, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KWONG Chi-kin

- 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 Brian CHOI
Assistant Secretary for the Environment, Transport and Works
 - 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
- Attendance by invitation** :
- MTR Corporation Limited
 - Mr Leonard TURK
Legal Director & Secretary
 - Mr Wilfred LAU
Head of Operations
 - Ms Maggie SO
External Affairs & Government Relations Manager
 - Mr Richard THORNHILL
Partner, Slaughter & May
(Legal Adviser of MTR Corporation)
 - Ms Peggy LEUNG
Associate, Slaughter & May
(Legal Adviser of MTR Corporation)

Kowloon-Canton Railway Corporation

Mr Michael KWAN
Train Operations Manager

Ms Ida LEUNG
Senior Public Affairs Manager

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

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Mr Anthony CHU
Council Secretary (1)2

Miss LAM Yuen-kwan
Clerical Assistant (1)1

Action

I Meeting with the Administration/the two railway corporations

- (LC Paper No. CB(1)1577/06-07(01) - The Administration's response to issues raised at previous meetings (Fourth batch)
- LC Paper No. CB(1)1577/06-07(02) - Administration's response to the follow-up to Bills Committee meetings on clause-by-clause examination of the Bill (First batch)
- LC Paper No. CB(1)1577/06-07(03) - Committee Stage amendments by the Administration (First batch)
- LC Paper No. CB(1)1345/06-07(01) - Information paper provided by the Administration
- LC Paper No. CB(3)700/05-06 - the Bill
- LC Paper No. CB(1)1330/06-07(01) - Marked-up copy of the Bill
- LC Paper No. CB(1)1330/06-07(02) - Letter from Assistant Legal Adviser (ALA) to the Administration dated 10 August 2006
- LC Paper No. CB(1)1330/06-07(03) - The Administration's reply dated 19 September 2006 to ALA's letter dated 10 August 2006

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- LC Paper No. CB(1)1330/06-07(04) - Letter from ALA to the Administration dated 26 October 2006
- LC Paper No. CB(1)1330/06-07(05) - The Administration's reply dated 8 November 2006 to ALA's letter dated 26 October 2006
- LC Paper No. CB(1)1345/06-07(02) - Relevant extract of Kowloon-Canton Railway Corporation Ordinance (Cap. 372))

Mr Abraham SHEK declared interest that he was a member of the Managing Board of the Kowloon-Canton Railway Corporation (KCRC).

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

Employment of persons with disabilities (PwDs)

3. The Bills Committee had examined the need for including suitable provisions requiring the post-merger corporation (MergeCo) to set a target for employment of PwDs, provide outreach service in encouraging employment of PwDs, and adopt the guidelines for giving PwDs an appropriate degree of preference for appointment over other candidates as those of the Government.

4. The two railway corporations advised that they had fulfilled their corporate social responsibilities in providing equal employment opportunities to PwDs. MergeCo would continue to consider ways to provide more job opportunities for PwDs and would publish annually the number of PwDs it employed.

Radio reception on board the trains

5. The Bills Committee had requested MTRCL to consider providing radio reception or upgrading its information dissemination system on board its trains so as to provide passengers with the latest news and information about railway incidents. MTRCL said that it had installed a special broadcasting system to enable direct communication between train drivers and passengers. To enhance passenger service, MTRCL had recently rolled out 3G coverage across its network. Passengers could obtain information on news through the relevant internet service. MTRCL would also introduce WiFi service at platforms and concourses of 16 MTR stations in the latter half of 2007, enabling passengers to receive radio and TV services through wireless internet access.

6. The Administration was requested to convey the suggestion of a member to the Secretary for the Environment, Transport and Works that the Administration's stance in respect of the provision of radio reception on board the MTR trains should be set out at the resumption of Second Reading debate on the Rail Merger Bill.

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Programme of future plans and operations for the rail and bus service within the North-west Transit Service Area (TSA bus service)

7. The Bills Committee has examined the mechanism for MergeCo to disclose information in its plan for the rail and TSA bus service, and requested MTRCL to provide further information in this respect.

Noise emitted from the operation and maintenance of railways

8. The Bills Committee had requested the two railway corporations to put in place measures to address the excessive noise generated by railway operations and maintenance activities. It also examined the replacement programme for major railway maintenance machines by Kowloon-Canton Railway Corporation (KCRC), and asked the Administration to closely monitor the situation and the two railway corporations to formulate effective measures to abate railway noise during both train operation and maintenance periods.

Follow-up actions

9. The Administration and the two railway corporations were requested to follow up on certain matters and provide information as detailed below –

Employment of persons with disabilities

- (a) With specific reference to the example mentioned by members regarding the arrangement of Hong Kong Disneyland to meet with PwDs organizations, the two railway corporations to advise whether they would be more proactive/out-reaching in encouraging employment of PwDs.
- (b) The two railway corporations to consider adopting a policy similar to Government's policy on employment of PwDs, and setting a target for employment of PwDs;
- (c) MergeCo to exclude the number of chronically-ill employees in publishing annually the number of PwDs employed by the company;
- (d) MergeCo to report to the relevant LegCo Panel on the employment of PwDs by MergeCo one year after the rail merger;

Improving air flow at platforms of non-enclosed railway stations

- (e) The two railway corporations to provide information on the non-enclosed railway stations where additional fans would be installed in the near future;

Radio reception on the trains

- (f) MTRCL to provide the following information:

Action

- i) the breakdown of cost estimate of \$100 million for the provision of radio reception;
- ii) the respective amount of investments made to provide WiFi and 3G service in its railway network;
- iii) the broad figure of revenue from telecommunication companies; and
- iv) Given that there was overseas study which suggested that the use of WiFi might have health implications, MTRCL to provide information on whether it had studied such implications.

Low-floor bus

- (g) KCRC to advise whether the existing buses could be retrofitted to provide low-floor entrance/exit for PwDs;

Programme of future plans and operations for the rail and TSA bus service

- (h) The Administration to add a new provision in the IOA to reflect the existing consultation mechanism on future plans and operations for the rail and TSA bus service, including the requirement for MergeCo to consult the relevant District Councils on its future service plan at least once a year;

Noise generated from the operation and maintenance of railways

- (i) The Administration to provide the following information:
 - i) the noise level of railway maintenance works for Tai Wai, Tai Po, and so on along the East Rail; and
 - ii) the noise level received by a person at the relevant area with background noise level of 70db where the noise created by railway operation at the same location was 61-65db.
- (j) KCRC to provide the total number of maintenance machines/locomotives vis-à-vis the number of new, quieter machines/locomotives used for the East Rail.

II Any other business

10. The Bills Committee agreed that the next meeting scheduled for Monday, 14 May 2007, from 4:30 pm to 7:30 pm should be devoted to examining the latest development on staff-related matters arising from rail merger.

11. There being no other business, the meeting ended at 11:25 am.

**Proceedings of the thirtieth meeting of
the Bills Committee on Rail Merger Bill
on Saturday, 12 May 2007, at 9:00 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with the Administration/the two railway corporations</i>			
000000 - 000230	Chairman	<ul style="list-style-type: none"> - Opening remarks - Meeting arrangements 	
000231 – 000302	Administration	<ul style="list-style-type: none"> - Briefing by the Administration on Item 1 of LC Paper No. CB(1)1577/06-07(01) 	
000303 – 002558	Dr Fernando CHEUNG Mr TAM Yiu-chung Chairman Ms Emily LAU Mr Andrew CHENG Mr Abraham SHEK Mr WONG Kwok-hing Miss TAM Heung-man Administration MTR Corporation Limited (MTRCL)	<ul style="list-style-type: none"> - Discussion on the appropriateness of including chronically-ill employees in the employment statistics of persons with disabilities (PwDs) in the two railway corporations - Discussion on the number of chronically-ill employees employed by the two railway corporations - Discussion on the difference in the number of PwDs employed by MTRCL and KCRC respectively - Discussion on the Administration's policy of requiring the two railway corporations to set a target for employing PwDs - Discussion on whether the chronically-ill employees employed by the two railway corporations would be affected in the rail merger exercise 	MTRCL to take necessary follow-up action
002559 – 003722	Dr Fernando CHEUNG Mr Sin Chung-kai Ir Dr Raymond HO Mr WONG Kwok-hing MTRCL Administration	<ul style="list-style-type: none"> - Discussion on requesting the two railway corporations to proactively reach out to the PwDs organizations with reference to the case of Hong Kong Disneyland - Discussion on the Administration's policy of requiring the two railway corporations to set a target for employing PwDs 	The two railway corporations to take necessary follow-up actions

Time marker	Speaker	Subject(s)	Action required
003723 – 003930	Mr Abraham SHEK	- Mr SHEK's expression of view that KCRC employed fewer PwDs than MTRCL due to the differences in the two systems	
003931 – 004834	Mr Andrew CHENG Ms Emily LAU Chairman Miss TAM Heung-man Administration	- Discussion on the Administration's stance in respect of a target for employing PwDs - Ms Emily LAU's suggestion that a provision should be added in the integrated Operating Agreement that a target for employment of PwDs should be set, or that MergeCo should try its best effort to employ PwDs - Discussion on the difference in the number of PwDs employed by MTRCL and KCRC respectively	
004835 – 005233	Chairman Dr Fernando CHEUNG Ms Emily LAU	- Concluding remarks on the Bills Committee's discussion on employment of PwDs by railway corporations - Dr CHEUNG's suggestion that the two railway corporations should be requested to adopt the Government's policy on employing PwDs within the civil service	
005234 – 005326	Administration	- Briefing by the Administration on Item 2 of LC Paper No. CB(1)1577/06-07(01)	
005327 – 005954	Mr Andrew CHENG Ms Emily LAU Chairman MTRCL KCRC Administration	- Discussion on how the railway corporations would respond to concerns and views collated from passenger surveys on the way the corporations handled railway incidents and the related contingency arrangements	
005955 – 010022	Administration	- Briefing by the Administration on Item 3 of LC Paper No. CB(1)1577/06-07(01)	
010023 – 010114	Ms Emily LAU Administration	- Discussion on additional measures adopted by MergeCo to reduce the noise level emitted due to the maintenance works	
010115 – 010157	Administration	- Briefing by the Administration on Item 4 of LC Paper No. CB(1)1577/06-07(01)	

Time marker	Speaker	Subject(s)	Action required
010158 – 010649	Mr Andrew CHENG MTRC Chairman KCRC	- Mr CHENG's request for supplementary information on the stations where additional fans would be installed in the near future	The two railway corporations to take necessary follow-up actions
010650 – 010732	Administration	- Briefing by the Administration on Item 5 of LC Paper No. CB(1)1577/06-07(01)	
010733 – 014039	Mr WONG Kwok-hing Mr Andrew CHENG Ms Emily LAU Chairman Mr Abraham SHEK Mr SIN Chung-kai MTRCL Administration	<ul style="list-style-type: none"> - Discussion on the provision of radio reception on board the trains in existing and new MTR lines and the Administration's stance on the matter - Mr Andrew CHENG's request for the Administration to clearly set out its stance on radio reception on board the trains when the Second Reading debate on the Bill was resumed - Discussion on the overseas study on the health impact of WiFi - Mr SIN Chung-kai's request for information on broad revenue received by MTRCL from telecommunication companies 	Administration/ MTRCL to take necessary follow-up action
014040 – 014120	Administration	- Briefing by the Administration on Item 6 of LC Paper No. CB(1)1577/06-07(01)	
014121 – 014428	Dr Fernando CHEUNG Ms Emily LAU KCRC	- Discussion on the plan and cost estimate for retrofitting existing KCRC buses with low-floor entrance/exit for PwDs	
014429 – 014726	Mr Andrew CHENG Chairman Ms Emily LAU	- Arrangements for the remaining part of the meeting	
014727 – 014836	Administration	- Briefing by the Administration on Item 7 of LC Paper No. CB(1)1577/06-07(01)	
014837 – 015949	Mr Albert HO Ms Emily LAU Mr Abraham SHEK Chairman Administration	- Discussion on the mechanism for consulting the relevant District Councils (DCs) on the programme of the future operations or plans for the rail and TSA bus service and the provision of information for DCs' discussion	Administration to take necessary follow-up actions

Time marker	Speaker	Subject(s)	Action required
015950 – 020110	Administration	- Briefing by the Administration on Items 8 and 9 of LC Paper No. CB(1)1577/06-07(01)	
020111 – 022342	Mr Andrew CHENG Ms Emily LAU Chairman KCRC Administration	<ul style="list-style-type: none"> - Discussion on the noise level along East Rail emitted due to the maintenance works and the maintenance machines/locomotives for East Rail - Discussion on the noise level received by a person from the railway noise and background noise at non-enclosed stations - Discussion on acoustic screens/sheds used for railway maintenance 	Administration/KCRC corporations to take necessary follow-up actions
<i>Agenda Item II – Any other business</i>			
022343 – 022427	Chairman Administration Ms Emily LAU	Date of next meeting	