

立法會

Legislative Council

LC Paper No. CB(1)2251/06-07
(These minutes have been seen
by the Administration)

Ref: CB1/BC/3/05

Bills Committee on Rail Merger Bill

Minutes of thirty-second meeting on Tuesday, 15 May 2007, at 2:30 pm in the Chamber of the Legislative Council Building

- Members present** :
- Hon Miriam LAU Kin-yee, 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
 - Dr Hon LUI Ming-wah, SBS, JP
 - Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
 - 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 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
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Hon Ronny TONG Ka-wah, SC
 - Prof Hon Patrick LAU Sau-shing, SBS, JP
 - Hon KWONG Chi-kin
 - Hon TAM Heung-man
- Members absent** :
- Hon CHAN Kam-lam, SBS, JP
 - Hon LEUNG Yiu-chung
 - Hon LEUNG Kwok-hung
 - Hon CHEUNG Hok-ming, SBS, JP
 - Hon CHIM Pui-chung

- 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 Michael LAM Siu-chung
Senior Assistant Law Draftsman
Department of Justice
 - Miss Clara LEUNG
Government Counsel
Department of Justice
- 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 Winnie CHENG
Legislative Assistant (1)5

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I Meeting with the Administration/the two railway corporations

- 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
- 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.

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

2. The Chairman said that depending on the progress of work of the Bills Committee, the two meetings scheduled for 21 May 2007 at 8:30 am and 5:30 pm should be devoted to discussion of Committee Stage amendments (CSAs) to be moved by individual members to the Bill. In this connection, she requested members to forward their proposed CSAs, if any, to the Secretariat on or before Saturday, 19 May 2007 for onward transmission to members before the meetings on 21 May 2007. If members could not provide the wordings of their CSAs before 21 May 2007, they could still introduce their CSAs to members at the meetings. She further advised that the deadline for members to give notice to move their CSAs was 28 May 2007.
3. Members also agreed to invite the Secretary for the Environment, Transport and Works to attend the next meeting scheduled for Thursday, 17 May 2007 to brief members on the latest progress of various matters arising from previous meetings.
4. The Bills Committee continued the examination of the Chinese version of the CSAs proposed by the Administration (LC Paper No. CB(1)1577/06-07(03)).
5. The Bills Committee had completed scrutiny of the Chinese version of the CSAs to be moved by the Administration. Members agreed to proceed to the clause-by-clause examination of the English version of the Bill and the relevant English version of CSAs to be moved by the Administration (LC Paper No. CB(1)1577/06-07(03)).
6. The Bills Committee had completed the clause-by-clause examination of the English version of the Bill and the Administration's CSAs.

Follow-up actions

7. The following were requested by the Bills Committee –
 - (a) The Administration to review thoroughly whether the Chinese term "地鐵公司" or "港鐵公司" should be used for the MTR Corporation Limited under the Bill in the relevant contexts of the Mass Transit Railway Ordinance (Cap. 556) (MTRO), Kowloon-Canton Railway Corporation Ordinance (Cap. 372) and other related ordinances and to consider members' suggestion of using "地鐵公司或港鐵公司";
 - (b) As regards the new section 9(2) of the MTRO, the Administration to consider moving CSA to the effect that the post-merger corporation should ensure that the bus service within the North-west Transit Service Area would be operated in accordance with the operating agreement;

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- (c) As regards the new section 2A of the Eastern Harbour Crossing Ordinance (EHCO), (Cap. 215) the Administration to consider whether the term "通知" in the Chinese version of "notice or other document " was necessary; and
- (d) The Administration to review if the term "地鐵公司" had been used in the Chinese version of EHCO and if so, to consider if a definition on the term had to be provided.

II Any other business

- 8. The Chairman requested the Administration to provide information requested by members at previous meetings by Thursday, 17 May 2007.
- 9. There being no other business, the meeting ended at 5:20 pm.

Council Business Division 1
Legislative Council Secretariat
2 October 2007

**Proceedings of the thirty-second meeting of
the Bills Committee on Rail Merger Bill
on Tuesday, 15 May 2007, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<p><i>Agenda Item I – Meeting with the Administration/the two railway corporations Discussion on the Chinese version of the Committee Stage amendments proposed by the Administration (First batch) (LC Paper No. CB(1)1577/06-07(03))</i></p>			
000000 - 000408	Chairman Mr LEE Wing-tat	<ul style="list-style-type: none"> - Opening remarks - Meeting arrangements for members to introduce their proposed Committee Stage amendments (CSAs) to the Bill to the Bills Committee 	
000409 – 001213	Administration ALA3 Mr Andrew CHENG	<ul style="list-style-type: none"> - Briefing by the Administration on its proposed CSAs (First batch) (LC Paper No. CB(1)1577/06-07(03) (pages 35 to 39 of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the wording of new section 65(4) of the Mass Transit Railway Ordinance (Cap. 556) (MTRO) - Discussion on the new definition of "Concession Period" in the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) (KCRCO) which was different from that in MTRO - Discussion on the CSA to the Chinese version of the proposed new definition of "Concession Period" 	
001214 – 001349	Administration	<ul style="list-style-type: none"> - Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 43 and 49 of the marked-up copy containing the proposed CSAs from the Administration) 	
001350 – 001828	Mr Andrew CHENG Chairman Ms Emily LAU Administration	<ul style="list-style-type: none"> - Discussion on the CSA to the Chinese version of the proposed new section 4(9) of KCRCO - Discussion on the CSA to the proposed section 40 of KCRCO 	

Time marker	Speaker	Subject(s)	Action required
001829 – 002035	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 51a to 51i of the marked-up copy containing the proposed CSAs from the Administration)	
002036 – 002155	Mr LAU Kong-wah Administration	- Discussion on the CSA to the Chinese version of Schedule 2 to KCRCO	
002156 – 002229	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (page 52 of the marked-up copy containing the proposed CSAs from the Administration)	
002330 – 002830	Ms LI Fung-ying Administration Chairman Mr LAU Kong-wah Mr Andrew CHENG	- Discussion on the CSA to the Chinese version of section 2 of MTRO in respect of the use of "地鐵公司" or "港鐵公司" - Members' suggestion on the use of "地鐵公司或港鐵公司" to avoid any confusion	Administration to take necessary follow-up action
002831 – 003040	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 72 to 78 of the marked-up copy containing the proposed CSAs from the Administration)	
003041 – 003316	Mr Andrew CHENG Chairman	- Discussion on the CSAs to the Chinese version of MTRO in relation to the Chinese name of MTR Corporation Limited	
003317 – 003359	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 79 to 83 of the marked-up copy containing the proposed CSAs from the Administration)	
003400 – 003519	Ms Emily LAU Administration Chairman	- Discussion on the CSA to the Chinese version of MTRO in relation to the Chinese name of MTR Corporation Limited	
003520 – 003619	Ms LI Fung-ying Administration	- Enquiry and explanation about the relevant part of the Bill dealing with staff-related issues arising from rail merger	

Time marker	Speaker	Subject(s)	Action required
003620 – 003701	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (page 89 of the marked-up copy containing the proposed CSAs from the Administration)	
003702 – 004027	Mr LAU Kong-wah Ms Emily LAU Chairman Administration	- Discussion on the use of the term "道路車輛" in the Chinese version of Schedule 1 to the Dutiable Commodities Ordinance (Cap. 109)	
004028 – 004641	Administration Chairman	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 91 and 91a to 91e of the marked-up copy containing the proposed CSAs from the Administration)	
004642 – 005404	Mr Andrew CHENG Chairman Administration	- Discussion on whether the term "通知" in the Chinese version of "notice or other document" in the new section 2A(1) of Eastern Harbour Crossing Ordinance (Cap. 215) (EHCO) was necessary	Administration to take necessary follow-up action
005405 – 010704	Administration Ms Emily LAU Chairman Mr Andrew CHENG Mr LAU Kong-wah	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (pages 91f and 91g of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the CSAs to the Chinese version of the new section 2A(4) of EHCO - Mr LAU Kong-wah's enquiry and the Administration's explanation on the use of the terms "地下鐵路公司" and "地鐵公司" and whether the term "地鐵公司" had been used in EHCO	Administration to take necessary follow-up actions
010705 – 010749	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (page 107 of the marked-up copy containing the proposed CSAs from the Administration)	

Time marker	Speaker	Subject(s)	Action required
010750 – 010909	Mr LAU Kong-wah Administration	- Discussion on the CSA to the Chinese version of Regulation 2 of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G)	
010910 – 011519	Administration Chairman Mr LAU Kong-wah	<ul style="list-style-type: none"> - Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (page 124 and 124a to 124b of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the CSAs to the Chinese version of Schedule 3 to the Banking Ordinance (Cap. 155), Schedule 1 to the Banking (Capital) Rules (Cap. 155, sub. leg. L) and section 2(a) of the Banking (Specification of Public Sector Entity in Hong Kong) Notice (Cap. 155, sub. leg. O) 	
011520 – 011624	Administration	- Continued briefing by the Administration on LC Paper No. CB(1)1577/06-07(03) (page 129 of the marked-up copy containing the proposed CSAs from the Administration)	
011625 – 012147	Mr LAU Kong-wah Administration	- Discussion on the term "Rail Company" used in EHCO	
<i>Clause-by-clause examination of the English version of the Bill and discussion on the English version of the CSAs proposed by the Administration (First batch) (LC Paper No. CB(1)1577/06-07(03))</i>			
012148 – 012332	Administration	- Briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 1 to 6 of the marked-up copy containing the proposed CSAs from the Administration)	
012333 – 012748	Mr Andrew CHENG Administration	- Discussion on the proposed definition of "Concession Property" under the amended section 2 of MTRO	
012749 – 012927	Administration	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 7 to 10 of the marked-up copy containing the proposed CSAs from the Administration)	

Time marker	Speaker	Subject(s)	Action required
012928 – 013135	Mr Andrew CHENG Administration	- Mr CHENG's suggestion that the proposed section 9(2) of MTRO should be amended to the effect that the bus service within the North-west Transit Service Area would be operated properly and efficiently in accordance with the operating agreement	Administration to take necessary follow-up action
013136 – 013546	Administration Chairman	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 11 to 14 of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the CSA to the English version of the proposed section 15A of MTRO	
013547 – 014414	Administration Chairman ALA3	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 15 to 21 of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the proposed section 19C of MTRO - Enquiry and explanation on the difference between the terms "KCRC Railway" and "KCRC Railways"	
014415 – 014444	Administration	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (page 22 of the marked-up copy containing the proposed CSAs from the Administration)	
014445 – 014522	Mr Albert HO Administration	- Discussion on the CSA to proposed section 33(1A) of MTRO	
014523 – 015616	Administration Chairman	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 23 to 32 of the marked-up copy containing the proposed CSAs from the Administration)	

Time marker	Speaker	Subject(s)	Action required
015617 – 020121	Mr Andrew CHENG Chairman Ms LI Fung-ying Ms Emily LAU	- Arrangement for the remaining part of the meeting	
020122 – 021434	<i>Break</i>		
021435 – 021612	Administration ALA3	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 32 to 37 of the marked-up copy containing the proposed CSAs from the Administration)	
021613 – 022040	Administration ALA3	<ul style="list-style-type: none"> - Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 38 to 44 of the marked-up copy containing the proposed CSAs from the Administration) - Discussion on the CSA to the proposed new section 65(5) of MTRO in respect of change of the Chinese name of MTRCL 	
022041 – 023021	Administration	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 45 to 72 of the marked-up copy containing the proposed CSAs from the Administration)	
023022 – 023049	Ms Emily LAU Administration	- Enquiry and explanation on the CSA to the proposed new section 2A of EHCO	
023050 – 023948	Administration	- Continued briefing by the Administration on the English version of the Bill and LC Paper No. CB(1)1577/06-07(03) (pages 73 to 96 of the marked-up copy containing the proposed CSAs from the Administration)	
023949 – 024241	Administration Chairman	- The Administration's advice that CSA would be moved to clause 2 of the Bill to change "the Secretary for the Environment, Transport and Works" to "the Secretary within the meaning of section 2(1) of the Mass Transit	

Time marker	Speaker	Subject(s)	Action required
		Railway Ordinance (Cap. 556)"	
024242 – 024408	Chairman Administration	- The Chairman's request for the Administration to provide information requested by members at previous meetings by Thursday, 17 May 2007	
<i>Agenda Item II – Any other business</i>			
	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
2 October 2007