

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2393/06-07  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/3/05

**Bills Committee on Rail Merger Bill**

**Minutes of thirty-seventh meeting on  
Tuesday, 29 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 LEE Cheuk-yan  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Mrs Selina CHOW LIANG Shuk-yee, 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 Albert CHAN Wai-yip  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KWONG Chi-kin

**Member attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

- Members absent** : Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon LI Kwok-ying, MH, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon LEUNG Kwok-hung  
Hon CHIM Pui-chung  
Hon TAM Heung-man
- 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 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
- Mr Leonard TURK  
Legal Director & Secretary
- Mr LEUNG Kwok-yiu  
Operations Manager – Airport Railway
- Mr Martin HANKS  
Manager – Merger Coordination
- Mrs Miranda LEUNG  
General Manager – Corporate Relations

Ms Maggie SO  
External Affairs & Government Relations Manager

Mr Jason WEBBER  
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

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

Mr Anthony CHU  
Council Secretary (1)2

Miss Winnie CHENG  
Legislative Assistant (1)5

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Action

**I Discussion of draft Committee Stage amendments to be moved by individual members**

- (LC Paper No. CB(1)1696/06-07(01) - Proposed Committee Stage amendments from Hon LEE Cheuk-yan
- LC Paper No. CB(1)1696/06-07(02) - Submission and proposed Committee Stage amendments from Hon Fernando CHEUNG Chiu-hung
- LC Paper No. CB(1)1745/06-07(01) - Submission and proposed Committee Stage amendments from Hon Albert CHAN Wai-yip

Action

- LC Paper No. CB(1)1773/06-07(01) - Revised proposed Committee Stage amendments from Hon Albert CHAN Wai-yip that would be moved by Hon LEUNG Kwok-hung
- LC Paper No. CB(1)1751/06-07(01) - Proposed Committee Stage amendments from Hon LEUNG Yiu-chung
- LC Paper No. CB(1)1751/06-07(02) - Proposed Committee Stage amendments from Hon Andrew CHENG Kar-foo and Hon LEE Wing-tat
- LS78/06-07 - Paper entitled "Procedural issues related to the long title of a bill" prepared by Legal Service Division)

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

2. The Chairman invited Mr Albert CHAN, Dr Fernando CHEUNG, Mr LEUNG Yiu-chung and Mr Andrew CHENG to introduce their Committee Stage amendments (CSAs) to the Bill in turn. The Bills Committee also sought the initial response from the Administration and MTR Corporation Limited on various CSAs proposed by members.

3. Mr Andrew CHENG asked to put on record that he expressed strong dissatisfaction with the hasty manner in which the Bill had been examined. He noted the Administration's intention to complete the legislative process for the rail merger within the current legislative session. He had requested the Administration to consider slightly deferring the resumption of the Second Reading debate on the Bill so as to allow more time for members to prepare their CSAs to the Bill. However, his request was not accepted by the Administration. He said that problems had been identified with some provisions of the Bill in the course of scrutiny, and it was necessary to adopt a prudent approach to ensure that important issues would not be overlooked. Given the complexity and the far-reaching implications of the Bill and the related subsidiary legislation, he considered that the Legislative Council should not aim at concluding the legislative process solely to meet the Administration's target timetable. The Deputy Secretary for the Environment, Transport and Works explained the rationale for the target legislative timetable and the undesirable consequence if the legislative exercise could not be completed within the current legislative session.

## **II Any other business**

4. There being no other business, the meeting ended at 3:55 pm.

**Proceedings of the thirty-seventh meeting of  
the Bills Committee on Rail Merger Bill  
on Tuesday, 29 May 2007, at 2:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Discussion of draft Committee Stage amendments to be moved by individual members</i>			
000000 – 000309	Chairman	- Opening remarks	
000310 – 000939	Mr Albert CHAN	- Briefing by Mr Albert CHAN on his proposed Committee Stage amendments (CSAs) to the Bill as set out in LC Paper No. CB(1) 1745/06-07(01) and LC Paper No. CB(1) 1773/06-07(01). As Mr CHAN would be out of town on the date of resumption of the Second Reading debate on the Bill, the proposed amendments would be moved by Mr LEUNG Kwok-hung instead	
000940 – 001045	Mr LAU Kong-wah Chairman Ms Emily LAU	- Discussion on the need for inviting the Administration and MTR Corporation Limited (MTRCL) to comment on the CSAs to the Bill as proposed by members	
001046 – 001233	Administration	- Administration's explanation on the justifications for granting exemptions and power of prosecution to MTRCL under the Mass Transit Railway Ordinance (Cap. 556) (MTRO)	
001234 – 001524	Mr Albert CHAN Administration MTRCL Chairman	- Discussion on the justifications for granting exemptions and power of prosecution to MTRCL under MTRO	
001525 – 002329	Mr LAU Kong-wah Mr Albert CHAN ALA3 MTRCL	- Discussion on the provision of public toilets within railway premises, the scope of the exemptions granted to MTRCL under MTRO, and the effect of Mr Albert CHAN's proposed CSAs on MTRCL, particularly the need for retrofitting public toilets at existing railway stations	
002330 – 002846	Dr Fernando CHEUNG MTRCL Chairman	- Discussion on the justifications for granting exemptions to MTRCL under the Noise Control Ordinance (Cap. 400), the Buildings Ordinance (Cap. 123) and the Public Health and Municipal Services Ordinance (Cap.	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		132)	
002847 – 003404	Chairman Dr Fernando CHEUNG	- Briefing by Dr Fernando CHEUNG on his proposed CSAs to the Bill as set out in LC Paper No. CB(1) 1751/06-07(03)	
003405 – 005023	Mr LAU Kong-wah Dr Fernando CHEUNG ALA3 Mr LEUNG Kwok-hung Administration Mr LEE Cheuk-yan	- Discussion on CSAs proposed by Dr Fernando CHEUNG	
005024 – 005416	Mr LEUNG Yiu-chung	- Briefing by Mr LEUNG Yiu-chung on his proposed CSAs to the Bill as set out in LC Paper No. CB(1) 1751/06-07(01)	
005417 – 012531	Mr Andrew CHENG Chairman Dr Fernando CHEUNG Administration Mr LEUNG Kwok-hung	- Briefing by Mr Andrew CHENG on CSAs to the Bill as proposed by the Democratic Party. Details were set out in LC Paper No. CB(1) 1751/06-07(02)  - Discussion on CSAs to the Bill as proposed by the Democratic Party  - Procedures and timing for processing various CSAs as proposed by members  - Concluding remarks by Chairman	
<i>Agenda Item II – Any other business</i>			
	Chairman	Any other business	