

**Bills Committee on Rail Merger Bill**  
**Administration's Response to the Follow-up to Bills Committee Meetings**

<b>Issue</b>	<b>Response</b>
(1) The two railway corporations to provide information on the stations where additional fans will be installed in the near future.	<ul style="list-style-type: none"> <li>• Additional fans will be provided at the KCR Tai Po Market Station and Sheung Shui Station upon completion of the on-going renovation works at these two stations whilst MTRCL would consider the feasibility of providing air cooling system as well as additional fans as part of their feasibility study on station improvement to be completed before end of this year.</li> </ul>
(2) MTRCL to provide breakdown of cost estimate of \$100 million for provision of radio reception	<ul style="list-style-type: none"> <li>• The installation works at the rail system for the provision of commercial FM radio channels will involve the installation of additional transmission cables and receiving equipment at MTR stations. These works are similar to those of radio communication upgrading installation works at MTR stations. MTRCL advised that since the Corporation will conduct a tender exercise for communication radio system shortly, further breakdown of the cost estimate of \$100 million into individual areas of such work would jeopardize the corporation's commercial position.</li> </ul>
(3) MTRCL to provide investments made to provide WiFi and 3G service in railway.	
(4) MTRCL to provide the broad figure of revenues from telecommunication companies.	
(5) Given that there is overseas study which suggested that the use of Wi-Fi may have health implications, MTRCL to provide	<ul style="list-style-type: none"> <li>• MTRCL advised that both WiFi and 3G services are arranged on commercial terms with service providers. The investments on WiFi and 3G involve commercial arrangements between the Corporation and the telecommunications operators which are under a confidentiality agreement. Release of this information would seriously compromise the Corporation's commercial position with respect to the telecommunications companies.</li> <li>• In 2006, MTR's total revenue attributable to all forms of telecommunications was \$259 million.</li> <li>• MTRCL would closely monitor the situation and adopt appropriate measures in order to comply with requirements of the relevant authority.</li> </ul>

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information on whether it has studied such implication.	
(6) KCRC to advise whether the existing buses can be retrofitted to provide low-floor entrance/exit for PwDs.	<ul style="list-style-type: none"> <li>• Apart from the low-floor design, there are other features that a bus needs to accommodate to make it wheelchair accessible. For instance, the doors of the bus should be wide enough for wheelchair access; the vehicle should have space for installing ramp with safe gradient; the compartment should have wide aisle for wheelchairs access while with standing passengers, space and tiedowns for safe parking of wheelchair as well as anti-skid floor. KCRC advised that the corporation has noted the franchised bus operators decided that it is more practicable to replace old buses with accessible models upon replacement of their bus fleet. The same considerations apply to KCR buses.</li> </ul>
(7) The Administration to advise 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.	<ul style="list-style-type: none"> <li>• The Environmental Protection Department (EPD) advised that as the human ear could perceive a wide range of sound pressures (i.e. from 20 micro Pascal to 100 Pascal), the dB scale was introduced for acoustic evaluation of sound perceived producing the general hearing range between 0dB and 134dB. Based on acoustic principles, the addition or subtraction of sound levels is by means of logarithmic method instead of simple arithmetic method. When two equal strength sound levels are added together, their sum is worked out by adding 3dB to the individual sound level (e.g. 60 dB plus 60 dB come to 63 dB). When the difference between two sound levels is 10dB or more, their sum will only be slightly more than the higher sound level (e.g. 50 dB plus 60 dB come to 60.4 dB).</li> <li>• When a receiver is perceiving 70dB sound level from background and 61dB sound level from train, the overall sound level perceived would be 70.5dB. With the sound level of background at 70dB and the train at 65dB, the total sound level perceived would be 71.2dB.</li> </ul>
(8) The Administration to provide the noise levels of maintenance work for Tai Wai, Tai Po etc along the East Rail.	<ul style="list-style-type: none"> <li>• After the KCRC introduced quieter rail grinding equipment in May 2006, EPD assessed that the noise perceived at residential blocks at 80m points from the rail track in areas of Tai Wai and Tai Po is 67 dB(A) when relevant railway maintenance process is underway.</li> </ul>

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<p>(9) KCRC to provide the total number of maintenance machines / locomotives vis-a-vis the number of new, quieter machines / locomotives used for the East Rail.</p>	<ul style="list-style-type: none"> <li>• KCRC currently has 15 major railway maintenance machines including cranes, track recording cars and diesel locomotives etc. for the East Rail. Among them, 11 are machines that were newly purchased recently and these machines are equipped with better noise reduction features, including five which were introduced in 2004 as mentioned in paragraph 1.4 in Annex 4 of the LC Paper No. CB(1)1247/06-07(01). As for the remaining four machines, the railway corporation already has a plan to replace two of them in 2010 and the other two between 2012 and 2014.</li> </ul>

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<p>(10) MTRCL to commit to provide public toilets at all MTR lines in future; to re-examine the feasibility of providing public toilets at existing MTR stations and to provide the following information:</p> <ul style="list-style-type: none"> <li>• the technical and engineering difficulties for providing public toilets at the MTR stations concerned and the related costs for such provision;</li> <li>• the number of staff toilets provided at each MTR station;</li> <li>• the number of retail shops at the station concourse of MTR stations; and</li> <li>• how the corporation could resolve the technical and engineering difficulties of sewerage for staff toilets and food and beverage shops at MTR stations.</li> </ul>	<ul style="list-style-type: none"> <li>• In response to members' comments on the provision of public toilets at MTR stations, MTRCL indicate that it will carry out a review of the feasibility of installing public toilets at or in the vicinity of its above-ground railway stations. Noting that the review will require extensive site surveys, the corporation envisages that the review will be completed before end of this year.</li> <li>• After further discussion between the Government and MTRCL taking into account members' request for a stronger commitment by the corporation on the provision of public toilets on new railway lines, MTRCL agree to include the provision of toilet facilities within, or adjacent to, stations in the overall design parameters for all future new railway lines, subject to planning and regulatory approval and any concerns raised by residents in the vicinity about the location of external ventilation exhausts.</li> <li>• MTRCL reiterated that for reasons stated in past meetings of this Committee, it will not consider retrofitting existing underground toilets, but it will continue to work with the relevant Government departments to identify appropriate locations for public toilets in the vicinity of these existing underground stations. At the same time, the corporation will take steps to raise awareness of the availability of staff toilets for the needy.</li> <li>• MTRCL also provide the following information in response to members' queries at previous meetings: <ul style="list-style-type: none"> <li>- Since privatization of the MTR in 2000, the total number of stations has increased from 44 to 53, and the number of shops from 317 to 506.</li> <li>- A typical MTR station has a total concourse area of about 3,500 m<sup>2</sup> and 7 toilets for use by station staff and shop tenants.</li> </ul> </li> </ul>

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<p>(11) The Administration to advise whether the scope of exemption under section 54 of the Mass Transit Railway Ordinance (MTR Ordinance) is the same as that under section 35 of Kowloon-Canton Railway Corporation Ordinance (KCRC Ordinance). If not, the Administration to consider aligning the provisions after the rail merger.</p> <p>(12) The Administration to advise whether MTRCL was exempted from the Buildings Ordinance (BO) (Cap. 123) to provide public toilet facilities at railway premises, and if so, the justifications for such exemption.</p>	<ul style="list-style-type: none"> <li>• Section 54 of the Mass Transit Railway Ordinance (MTR Ordinance) and section 35 of the Kowloon-Canton Railway Corporation Ordinance (KCRC Ordinance) stipulate the scope of exemptions of MTRCL and KCRC under the Building Ordinance (BO) (Cap 123) and the Public Health and Municipal Services Ordinance (PHMSO) (Cap 132).</li> <li>• In respect of PHMSO, the scope of the exemptions granted under section 54(1) of the MTR Ordinance and section 35(3) of the KCRC Ordinance are as follows: <ul style="list-style-type: none"> <li>➤ MTRCL is exempted from the PHMSO provisions relating to public toilets, whereas KCRC is not. There should be no change to the status quo and the Administration will introduce an appropriate CSA to the Bill.</li> <li>➤ MTRCL is exempted from provisions of the PHMSO relating to nuisance (e.g emission of air either above or below the temperature of external air from ventilation outlets) and obstruction to scavenging or conservancy operation, whereas KCRC is not. The difference is mainly because MTRCL's operations are primarily in the congested urban areas whereas KCRC's have been in the rural areas. In recent years, KCRC have further expanded into the urban area with the construction of East Tsim Sha Tsui Station and Kowloon Southern Link project, therefore, the relevant exemption should in future also apply to the KCRC railway.</li> <li>➤ The exemption provisions in PHMSO regarding the regulations related to advertising and signs erected on the railway or railway premises are broadly the same under the MTR Ordinance and KCRC Ordinance.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• In respect of BO, the scope of exemption mentioned in sections 54(2) and (3) of the MTR Ordinance and section 35(1) of the KCRC Ordinance are the same. They provide that the Building Authority, having regard to the exceptional nature of building and other works connected with the operation or construction of the railway, may exempt those works from the BO.</li> <li>• In fact, the exemption in respect of the BO is only applicable to approval and related procedures under the BO. The design and construction of all railways are subject to the regulation and approval of a committee comprising relevant government departments, including Hong Kong Railway Inspectorate, Buildings Department, Fire Services Department, Hong Kong Police Force and Highways Department. As advised by the Buildings Department, the two corporations have to comply with the health and safety standards stipulated in the BO in the railway design and construction works and do not have any special exemptions in this regard.</li> <li>• The Building Department advised that there is no statutory requirement on the provision of public toilet facilities for railway premises.</li> </ul>

<b>Issue</b>	<b>Response</b>
(13) The two railway corporations should consider adopting a policy similar to Government's policy on employment of PwDs, and to consider setting a target for employment of PwDs.	<ul style="list-style-type: none"> <li>• The two corporations consider that the arrangement of Disney to employ PwDs is a good reference. The corporation will be more proactive in understanding the capabilities and needs of PwDs through their "More Time Reaching Community Scheme" volunteering scheme. The corporation will proactively exchange views with the PwD organisations and examine the possibility of providing employment opportunities for PwDs.</li> </ul>
(14) With specific reference to the example mentioned by members regarding the arrangement of Disney to meet with PwDs organizations, the two corporations to advise whether they would be more proactive / out-reaching in encouraging employment of PwDs.	<ul style="list-style-type: none"> <li>• The two corporations will continue to offer equal opportunities of employment to job applicants, including PwDs, who could fulfill the job requirements of the vacancy. They advised that the reasons for not setting a target for employment of PwDs had been explained to members at previous meetings.</li> </ul>