

# 立法會

## *Legislative Council*

LC Paper No. CB(1)2643/10-11

Ref : CB1/PL/TP

### **Report of the Panel on Transport for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Transport during the 2010-2011 legislative session. It will be tabled at the Council meeting on 13 July 2011 in accordance with Rule 77(14) of the Rules of Procedure.

#### **The Panel**

2. The Panel was formed by a resolution passed by the Legislative Council (LegCo) on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining government policies and issues of public concern relating to transport matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 19 members, with Hon Andrew CHENG and Hon CHEUNG Hok-ming elected as Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

#### **Major Work**

##### Public transport fares

##### *Adjustment to MTR fares in 2011*

4. 2011 is the second year of fare increases under the Fare Adjustment

Mechanism (FAM)<sup>1</sup>. The Overall Fare Adjustment Rate for 2011 was calculated to be +2.2%. As a result of the fare adjustment in 2011, 79% of MTR passenger trips will have a fare adjustment of 20 cents or less, including about 6% which will not experience any fare change.

5. The Panel discussed the 2011 MTR fare adjustment on 15 April 2011. Some members expressed grave dissatisfaction that, while railway incidents were frequent and substantial profits had been recorded by the MTR Corporation Limited (MTRCL), the Corporation still insisted on increasing its fares in June according to FAM. Panel members considered that the fare increases would add to the pressure of living costs borne by the general public especially during inflation. To alleviate the pressure, some Panel members suggested that the Government should use the dividends it received as a MTRCL shareholder to set up a fare stabilization fund to moderate the rate of MTR fare increases. The Administration however advised that the proposal was not in keeping with the general framework of public finance management, according to which income received for the purposes of the Government should be paid into the general revenue, and withdrawal of money from the general revenue should be subject to the approval of the Finance Committee of LegCo.

6. The Panel held a special meeting on 16 May 2011 to receive public views on the 2011 MTR fare adjustment. Panel members shared the view expressed by many deputations that the Administration should review FAM and consider including new factors, such as public acceptability and affordability as well as profits derived by MTRCL from property development, into the FAM formula. Some members also suggested that a demerit point system should be introduced under FAM whereby MTR's fare adjustments were linked to its standard of service with a view to motivating MTRCL to improve its service and reducing the frequency of railway incidents. The Administration advised that the arrangement for review of the mechanism every five years had been laid down during the Rail Merger. The Administration considered it appropriate to review FAM in the second half of 2012 after more experience of its operation was accumulated.

*Fare increase applications from the Kowloon Motor Bus Company (1933) Limited (KMB) and the Long Win Bus Company Limited (LW)*

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<sup>1</sup> FAM forms part of the merger agreement between MTRCL and the Government. Upon the Rail Merger, MTRCL made a commitment not to increase fares on or before 30 June 2009. After 30 June 2009, MTRCL's fares are to be adjusted in accordance with FAM under which MTR fares are reviewed once per calendar year with the Overall Fare Adjustment Rate calculated by a set formula.

7. The Panel expressed grave concern about the proposed fare increases applied by KMB and LW at the rates of 8.6% and 7.4% respectively. When discussing the justifications for the fare increases on 26 November 2010, the Panel stressed that under an inflationary environment, bus fare increases would have a great impact on the livelihood of the general public. The Panel expressed strong opposition to the applications on grounds that the proposed fare increase rates were much higher than the inflation rate. Panel members opined that the fare increase applications, if approved, would trigger a spate of increases in public utility charges and transport costs. Some members also pointed out that KMB/LW had not reduced fares during the time when a cumulative deflation rate of over 11.4% was recorded, and KMB's profits from converting its depots into property development should also be taken into account in considering the fare increase applications. The Panel considered the fare increase applications unacceptable, and passed the following motion on 26 November 2010-

"That this Panel opposes the applications for substantial fare increase made by KMB and LWB, and urges the Government to, when vetting the fare increase applications by the bus companies, take into account the extremely unfair factor that the rates of increases applied for are more than three times the inflation rate."

8. After the Administration had consulted the Panel and the Transport Advisory Committee (TAC) on the applications, the Chief Executive-in-Council (CE-in-Council) decided on 19 April 2011 that an overall average fare increase of 3.6% was approved for KMB and an overall average fare increase of 3.2% was approved for LW. The new fares took effect on 15 May 2011. Compared with the proposed fare increase rates applied by KMB and LW, the approved fare increase rates were lower by over 50%.

#### *Taxi and tram fare adjustment applications*

9. The Panel discussed the fare adjustment applications made by Hong Kong Tramways Limited (HKT) and the urban, New Territories and Lantau taxi trades on 17 December 2010. Panel members in general considered that the fare increase applied by HKT, which proposed to increase the adult fare from \$2.0 to \$2.5 (i.e. by 25%), was substantial and would impact on the grassroots. While agreeing to the need to ensure the financial viability of tram service and implement the improvement projects proposed by HKT to enhance service level, Panel members suggested that the Administration should consider subsidizing

the improvement projects in exchange for a smaller rate of increase. Some members also considered that HKT should not increase fares for the elderly from \$1.0 to \$1.1 as proposed. In light of the views received from the Panel and TAC, CE-in-Council approved HKT to increase the adult fare from \$2.0 to \$2.3 with effect from 7 June 2011, and to increase fares for the elderly from \$1.0 to \$1.1 one year later (i.e. with effect from 7 June 2012).

10. When discussing the proposed taxi fare increases on 17 December 2010, Panel members generally agreed that the fare increases were necessary to cope with the escalating operating costs, including insurance, fuel, repair and maintenance costs. Some members were, however, concerned about the average rates of the proposed fare increases ranging between 4.11% to 8.05% and their impact on the public. Some members suggested that the Administration should consider introducing a fuel surcharge to mitigate increases in fuel costs. The Administration however advised that if a fuel surcharge was introduced, passengers would have to bear frequent, unforeseeable and drastic fare adjustments due to short-term, and sometimes extreme, changes in fuel costs.

11. CE-in-Council approved on 3 May 2011 adjustments to the urban, New Territories and Lantau taxi fares by increasing their respective flagfall charges by \$2 as proposed by the taxi trades with effect from 10 July 2011 upon completion of the relevant legislative procedures.

#### *Fares of outlying island ferry services*

12. In March 2011, the Transport Department (TD) announced that it had awarded new licences for six major outlying island ferry routes. The new licences would be effective from 1 April and 1 July 2011 respectively, with an average fare increase rate of about 10%. At the Panel meeting on 2 June 2011, the Panel discussed the fare increases for the outlying island ferry services with representatives of local residents and the Administration. Panel members expressed deep regret that the Administration had considered the fares of the six major outlying island ferry services mainly in the light of their operating costs, and that substantial increase rates of about 7% for monthly tickets and of 9.63% to 12.5% for single journey adult fare had been approved. Pointing out that ferry services were the only means of transport for some outlying islands, Panel members were strongly of the view that the Administration should ensure that

such essential services were provided to the residents and the fare be maintained at a stable level. With a view to enhancing assistance to the ferry operators so as to improve the financial viability of the ferry services and maintain fare stability, the Panel urged the Administration to consider introducing fuel cost stabilizing fund or providing fuel subsidy, and to explore the option of the Government to purchase vessels for the operators. The Panel will hold a meeting in July 2011 to further discuss the Government's policy on outlying island ferry services with the Administration and ferry service operators concerned.

*Toll increase at Eastern Harbour Crossing (EHC)*

13. The New Hong Kong Tunnel Company Limited (NHKTC) submitted on 23 August 2010 an application for a \$10 or 40% toll increase for private cars and taxis with proportionate increases for other categories of vehicles using EHC. NHKTC's main argument was that when its first toll increase was rejected in October 1995 and the company went for arbitration, the arbitrator in April 1997 ruled that a reasonable but not excessive remuneration to NHKTC fell within a range of the Internal Rate of Return (IRR) of 15% to 17%. According to NHKTC, even after the current proposed toll increase, the IRR likely to be achieved over the life of its franchise would be 14.51% which still fell short of the lower range of a "reasonable return" of 15% as ruled by the arbitrator in 1997. The Panel discussed the toll increase application on 25 February 2011. Panel members urged the company to have due regard to public affordability and acceptability in devising their toll strategy. Panel members were also concerned that, as a result of the proposed toll increase, some of the users of EHC might switch to using the Cross Harbour Tunnel (CHT), which might aggravate the congestion at CHT. Panel members expressed strong objection to the proposed significant toll increase of 40%, having regard to the strong financial position of NHKTC and the inflationary environment of Hong Kong as well as the likely impact on public transport fares. The following motion was passed by the Panel on 25 February 2011 -

"That this Panel urges the Government to reject the New Hong Kong Tunnel Company Limited's application for crazy toll increase and take back the franchise for the Eastern Harbour Crossing on grounds of public interest."

Having consulted the Panel and the TAC, the Government decided on 21 June

2011 to reject NHKTC's application. According to the EHC Ordinance (Cap. 215), NHKTC may resort to arbitration.

### Transport infrastructure, facilities and traffic management

#### *Structural safety of Hing Fat Street Slip Road to Island Eastern Corridor*

14. The Panel was gravely concerned about the incident of the Central-Wanchai Bypass and Island Eastern Corridor Link (CWB project)<sup>2</sup> allegedly affecting the structure of the Hing Fat Street slip road of the Island Eastern Corridor (IEC) as reported by the press in February 2011, and the structural safety condition of the slip road. On 28 March 2011, the Panel discussed the follow-up actions taken by the Administration to ensure safety and the monitoring mechanism for the IEC bridge structures.

15. The Panel noted that the Highways Department (HyD) carried out regular inspections for IEC, its slip roads and accesses in accordance with the established arrangements for safety inspection for bridge structures, including 6-monthly regular inspections and 2-yearly general inspections, and would, based on the outcome of inspection, arrange for timely maintenance and renewal works for the bridge concerned, so as to ensure that the bridge structure was sound and safe. According to the Administration, the IEC Hing Fat Street slip road abutment was situated near the work site of the Food and Environmental Hygiene Department (FEHD) Whitfield Depot reprovisioning works which involved the conversion of part of the existing Whitfield Depot into an underground car park for use by FEHD.

16. The Administration advised that after the incident, additional stabilization measures had been implemented for the slip road bridge foundation and adjacent structures to enhance safety. Notwithstanding that the results of the inspection by the experts confirmed that the abutment was safe, Panel members requested HyD to carry out additional measures to better ensure safety, including increasing the monitoring frequency of the abutment.

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<sup>2</sup> The proposed CWB is a 4.5 km long dual three-lane trunk road (with a 3.7 km long tunnel) linking up the Rumsey Street Flyover at Central with the IEC. The trunk road can help ease the east-west traffic along the existing Gloucester Road - Harcourt Road - Connaught Road Central corridor, alleviate the traffic congestion conditions along the corridor and existing road network within the area, and cater for the anticipated increase in traffic.

17. The Administration advised that it had requested the contractor and the engineering consultant to conduct thorough investigation and submit investigation reports. The Administration would confirm the cause of the incident and the contractual liability on the basis of the reports, and would report the investigation outcome to the Panel.

*Highway repair and maintenance and design of block paving for pavements*

18. On 28 January 2011, the Panel was briefed on the current approach and future development of highway repair and maintenance by HyD, and the efforts made to seek improvement in highway design to meet rising public aspirations. Panel members were concerned about the efforts made to integrate environmental considerations into the repair and maintenance works, such as HyD's greening programme for highways and whether the percentage of recycled asphalt pavement (RAP) for use in bituminous materials for paving the road surfaces could be increased so as to maximize waste reuse. The Administration advised that the feasibility of further increasing the percentage of RAP content in bituminous materials would be explored.

19. The Panel received a briefing by the Administration on the improvements in the design of block paving for pavements in Hong Kong and its foundation on 24 June 2011. Panel members raised various concerns such as the use of recycled aggregates in concrete paving blocks, design of block paving aimed to facilitate persons who were visually impaired, and frequency of inspections to identify pavements in need of repairing. The Administration took note of members' views expressed at the meeting.

*Consultancy study on rationalizing the utilization of road harbour crossings (RHCs)*

20. The Administration informed the Panel in November 2008 that the Government had commissioned a consultancy study on the distribution of traffic amongst the three RHCs with an objective of identifying the optimum level of traffic for the three RHCs, taking into account their geographic locations and the capacity of connecting road networks, and recommending feasible options that covered the necessary financial, organizational and legal mechanisms to achieve the optimum traffic result. The Panel discussed the findings of the consultancy

study on 9 November 2010, and conducted a further meeting on 11 January 2011 to receive public views.

21. Panel members urged the Administration to identify long-term solutions to the problem of uneven traffic distribution among the three RHCs, including negotiating with the franchisees concerned on the option of buying-back the Western Harbour Crossing (WHC) and/or EHC. The Administration advised that the Government maintained an open-mind on all proposals which might improve the utilization of the three RHCs. The Administration indicated that it was willing to consider buying back WHC in the longer term if the price was reasonable, but the option might not achieve the intended effect before the opening of CWB, because WHC and its present connecting roads would not be able to absorb additional traffic flows diverted from CHT. The Administration considered that the Government would be in a stronger position to negotiate with the WHC franchisee on the option, after expiry of the EHC franchise in August 2016.

22. The Administration advised that according to the consultants' findings, there was no single measure that could resolve the uneven traffic distribution among the three RHCs. Toll adjustment was one of the requisite considerations, but there could be a number of toll scenarios and implementation options. The Administration pointed out that buying-back WHC and EHC was only one of the options to implement the toll adjustments. Even if the Government had bought back the two tunnels, it was still necessary to properly adjust the tolls of the three RHCs in order to regulate the traffic flows at RHCs effectively.

23. The Panel noted that the Administration would conduct a three-month public consultation on the findings and recommendations of the consultancy study upon release of the report in November 2010. The Administration undertook to report on the feedback received during the public consultation period and consider the way forward in consultation with the Panel.

*Limitation on the number of public light buses (PLBs) and passenger seating capacity*

24. On 25 February 2011, the Panel was consulted on the Administration's proposal to extend the effective period of the current limitation on the size of the



PLB fleet at 4 350 for five years from 21 June 2011 to 20 June 2016, and a proposed scheme from green minibus (GMB) associations to increase the seating capacity of GMBs from 16 to 20. Under the latter proposal, those GMB operators who participated in the scheme would freeze their GMB fares for three years and offer concessionary fares and service improvements. The Panel carefully considered the two proposals in the light of their possible impact on road traffic, opposition expressed by other public transport modes to the proposal of increasing GMBs' seating capacity, and the Government's transport policy on the role of PLBs. According to the Administration, PLBs mainly supplemented the mass carriers by providing feeder services to public transport interchanges and serving areas where it was not operationally feasible or financially viable for the mass carriers to provide service. Against this background, the Government's policy was to limit the total number of PLBs and contain their level of activities. The Panel urged the Administration to strike a balance among the interests of different stakeholders of the transport trades in its plan. The Panel also requested the Administration to give primary consideration to public interests and address public concern over fare increase for public transport services.

*The "Hung Hom-Central" and "Hung Hom-Wanchai" ferry services*

25. On 25 February 2011, the Panel discussed the discontinuation of Hung Hom ferry services from 1 April 2011 and the traffic impact on affected residents. According to the Administration, the "Star" Ferry Company, Limited (SF) did not apply to TD to extend the current licences for the "Hung Hom – Central" and "Hung Hom – Wan Chai" ferry services upon their expiry on 31 March 2011 due to poor financial performance of the two licensed services, and in anticipation of a lack of growth in patronage. In response to members' concern about the decision not to tender for the third time on the franchise, the Administration explained that for the second tender exercise, TD had already made a number of relaxations to the tender requirements with a view to attracting more potential ferry operators to bid for the operation of the ferry services. However, no tender submissions were received when the tender closed on 14 January 2011. The Administration considered that the results of the two tender exercises reflected that the market did not consider the operation of the two licensed services financially viable.

26. Panel members were concerned about the traffic impact which would

arise upon the cessation of the two ferry services, especially before the commissioning of the Shatin to Central Link and the Kwun Tong Line Extension. The Administration advised that TD was discussing with the relevant public transport operators to strengthen the relevant services as appropriate to cater for the passenger demand which might eventually be displaced from the two licensed ferry services from 1 April 2011 onwards. TD would inform the relevant District Council and arrange publicity of the alternative public transport service arrangements. Panel members considered that the Administration should make continuous effort to maintain the ferry services and passed the following motion on 25 February 2011 -

"That given the impending cessation of the "Hung Hom-Central" and "Hung Hom-Wanchai " ferry services from 1 April onwards, and the fact that there is still a certain degree of demand in the district for the services, this Panel urges the Government to study, based on its subsidies for the ferry services for outlying islands, the provision of similar subsidies for the two ferry services and the offer of more incentives, and to expeditiously arrange for a tender exercise for the third time to attract the existing operator or new companies to operate the two ferry services, so as to ensure that the ferry services for Hung Hom will be maintained until the commissioning of the Shatin to Central Link and the Kwun Tong Line Extension of the MTR Corporation Limited."

## Road safety

### *Proposals to combat drug driving*

27. The Panel was gravely concerned about the rapid increase in the number of drug driving arrest cases in 2010 during which 84 arrest cases involving drug driving were recorded, which was more than seven times the number in 2009. Addressing the Panel's concerns, the Administration submitted its initial proposals to combat drug driving and proposed legislative plan to amend the Road Traffic Ordinance (Cap. 374) to the Panel for discussion on 17 July 2010 and 26 November 2010 respectively. While calling for the early enactment of the legislative proposals to combat drug driving, Panel members raised a number of concerns including the arrangements for drug driving tests and relevant procedures, the development of rapid oral fluid test, and measures to avoid drivers who took drugs for medical purposes from being inadvertently caught drug driving. The Administration undertook that members' views and concerns would be taken into full account in finalizing the legislative proposals.

*Enhanced implementation of random breath test (RBT)*

28. The Panel received a briefing by the Administration on the results of RBT operations conducted by the Police to combat drink driving and discussed a proposal to enhance implementation of RBT on 28 January 2011. While the Panel was pleased to note that there had been a significant decrease in the number of drink driving cases and traffic accidents involving drink driving since RBT was introduced on 9 February 2009, some Panel members expressed reservations about the proposal that RBT might be conducted on drivers of vehicles in motion, including those travelling on expressways<sup>3</sup>, in order to further strengthen the deterrent effect of RBT against drink driving behaviors. Panel members were concerned that the speed limits of expressways could be as high as 110 kilometres per hour and some vehicles might even be speeding, it might put the police officers at risk to chase drunk drivers travelling on expressways. The Police advised that as roadblocks were normally not set up on expressways, there was a need for the Administration to come up with the proposal to plug the loophole in existing arrangements in order to combat drink driving more effectively. The Police pointed out that police officers were well trained in carrying out enforcement operations on expressways, and support measures were also in place to assist these operations where necessary.

*Regulation of cyclists in the use of safety equipment*

29. The Panel discussed Government's policies on promoting cycling safety and cyclists' use of safety equipment in Hong Kong on 28 January 2011. The Panel noted the progress of various measures that had been taken to enhance cycling safety, notably through the continuous efforts in improving the design of cycle tracks and stepping up education/publicity to promote cycling safety. On the need to mandate the wearing of helmets by cyclists, the Administration advised that only a few jurisdictions had laws requiring all cyclists to wear helmets, and the mainstream overseas practice was to promote use of cycling safety equipment through education and publicity. It was the Administration's view that cycling safety including use of safety equipment should be promoted

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<sup>3</sup> At present, police officers may conduct screening breath tests on drivers stopped for having committed traffic offences other than at police roadblocks, and on drivers of vehicles in motion.

through education and publicity, coupled with the continual improvement of cycling facilities. Panel members, however, disagreed to the approach and called for more stringent measures to enhance cycling safety as the numbers of bicycle accidents in the past decade were alarming. Panel members considered that in Hong Kong, cycling was not just a recreational and leisure activity but an important transport means to residents of remote areas. As cycling activities were also gaining popularity in new towns and in new development areas in the New Territories, it was necessary to require cyclists to wear helmets by legislation. The Panel passed a motion on 28 January 2011 urging the Government to study the introduction of legislation to require cyclists to wear helmets.

### *Regulation of motorcycles*

30. The Panel received a briefing by the Administration on its review of the construction of storage boxes on motorcycles (MCs), and a set of guidelines drawn up by TD to give advice on the installation of these storage boxes. Following media reports of traffic accidents involving food delivery MCs in 2009, TD had conducted a review on the size and weight of storage boxes installed on MCs. The Administration considered that, taking into account accident statistics and overseas practices, it did not appear to have an immediate need to introduce specific legislative control for MC storage boxes. However, to raise awareness of the operators and MC drivers on the safe installation and use of storage box, TD had formulated a set of guidelines for adding non-factory built storage boxes on MCs, taking into account relevant information from overseas research. MC owners, especially large fleet owners, would be encouraged to follow the guidelines and disseminate relevant messages to all their drivers.

31. Some Panel members were concerned that as the guidelines were not to be implemented by legislation and were only for reference by users, the drivers employed to deliver the food or cargoes had little say in ensuring the storage boxes and cargo loads were properly installed in compliance with the guidelines. The Administration advised that the proposed guidelines had been drawn up in consultation with the food delivery operators to ensure the guidelines were applicable and acceptable, and the food delivery operators had indicated support for the proposed guidelines. The Panel called on the Administration to step up inspections of MC storage boxes to ensure compliance with the guidelines after

implementation.

#### *Installation of safety equipment on PLBs*

32. The Panel discussed the Administration's plan to introduce legislative proposals to enhance PLB safety, including mandating all PLBs to install speed limiters and mandating electronic data recording device (EDRD) (commonly known as 'blackbox') as a basic equipment of newly registered PLBs. According to the Administration, speed limiters can effectively prevent drivers from driving above the speed limit set, and in turn could reduce the incidence and severity of traffic accidents. As for EDRD, the data stored in the device is useful for fleet management and accident investigation. While expressing support for the proposals, the Panel requested TD to continue their efforts on the training and education of PLB drivers in order to enhance their safety awareness and improve service quality.

33. The Panel also noted that TD was working with the PLB trade to consider the proposal of extending the requirement of retrofitting seat belts on PLBs to PLBs registered before 1 August 2004. Panel members noted from the Administration that as at end December 2010, about 2 440 PLBs, representing about 56% of the PLB fleet, had been fitted with passenger seat belts. TD would continue to consult the trade in developing the proposal.

#### *Measures to enhance the safety of reversing goods vehicles*

34. The Panel discussed the progress of the various measures taken to enhance the safety of reversing goods vehicles (GVs) on 24 June 2011. The Panel noted the Administration's efforts in implementing various measures, including traffic management improvements at 129 locations across 18 districts, promotion of safe driving among GV drivers, and stepping up of publicity and education efforts to encourage GV owners to install reversing aids in their vehicles. Moreover, since 2000, it had been made a statutory requirement for all GVVs to be fitted with an automatic device capable of giving an audible warning to nearby pedestrians when it reversed. The Panel noted from the Administration that besides the audible warning device, there were other auxiliary devices, e.g. reversing video device (RVDs), to assist drivers to reverse more safely. However, as the GV owners were required to install these reversing aids only on a voluntary basis, the percentage of GVVs fitted with

RVDs voluntarily was only around 6% to 15% in the past 3 years. According to the Administration, given the current state of technology and the RVDs available in the market, not all GVs could be fitted with RVDs with the necessary scope of vision.

35. Panel members considered that the percentage was far from satisfactory and in order to enhance the safety of reversing GVs, the Administration should consider enacting legislating to mandate the installation of RVDs at least on all new GVs in the first phase and on old GVs in the second phase. To this end, the Administration was requested to come up with a legislative timetable for members' consideration. The Panel planned to hold a further meeting early next session to follow up the issue.

### Improving pedestrian environment

#### *Pedestrian Environment Improvement Scheme in Yuen Long Town*

36. In the 2008-2009 and 2009-2010 Policy Addresses, it was stated that improvement would be made to the pedestrian environment in business districts, shopping areas and leisure zones with heavy pedestrian flows. To this end, HyD had been taking forward the Pedestrian Environment Improvement Scheme (the scheme) for Yuen Long Town. The Panel discussed a progress report on the scheme on 15 April 2011. Panel members welcomed the efforts made by HyD in enhancing the capacity of the existing pedestrian facilities in Yuen Long Town in order to cope with the increasing pedestrian flow. Panel members also called on the Administration to take forward the proposal of constructing a major footbridge along Yuen Long Nullah connecting West Rail Long Ping Station in the north to Ma Tin Road in the south as early as possible in order to relieve pedestrian congestion and facilitate access to the West Rail Long Ping station. The Panel noted that a detailed feasibility study for the scheme was scheduled to start in mid-2011 for completion by the end of 2013. The Administration undertook to consult the public and Yuen Long District Council and take on board their views in developing the design options.

#### *Provision of barrier-free access facilities at public footbridges, elevated walkways and subways*

37. The Panel discussed the progress of the provision of barrier-free access facilities at pedestrian crossing facilities, and was consulted on a funding

proposal for the design works for retrofitting of barrier-free access facilities (by way of retrofitting with lifts or ramps) at about 180 public footbridges, elevated walkways and subways under the purview of HyD. The Panel supported the funding proposal and urged the Administration to expedite the retrofitting programme as far as practicable in order to cater for persons in need.

#### Difficulties encountered by the transport sector in obtaining insurance coverage

38. The Panel held a joint meeting with the Panel on Financial Affairs on 28 February 2011 to discuss difficulties encountered by the transport sector in obtaining insurance coverage with the Administration and representatives from the transport trades and the insurance sector. During the discussion, Panel members and deputations pointed out that the difficulties encountered by the transport sector in obtaining insurance coverage were attributable to a number of factors and might involve policy, legal, operational as well as enforcement issues. In order to follow up the relevant issues in a comprehensive and focused manner, the two Panels agreed at the second joint meeting on 18 March 2011 to appoint a joint subcommittee under the two Panels to study the relevant issues. The House Committee agreed on 8 April 2011 to place the proposed joint subcommittee on the waiting list for activation upon completion of work of an existing subcommittee on policy issues.

#### Railway matters

39. Railways are an important part of Hong Kong's long-term transport strategy. The Subcommittee on Matters Relating to Railways has been formed under the Panel to continue to follow up on matters relating to railway planning, implementation and operation. The work of the Subcommittee is detailed in its report at **Appendix III**.

#### Other issues

40. The Panel received a briefing from the Administration on the policy initiatives relating to the land transport portfolio as set out in the 2010-2011 Policy Agenda in October 2010, and discussed a funding proposal on installation of radio rebroadcasting system for digital audio broadcasting at 11 Government road tunnels.

#### **Meetings held**

41. From October 2010 to end of June 2011, the Panel held a total of 15 meetings (including two joint meetings with the Panel on Financial Affairs), and the Subcommittee on Matters Relating to Railways held a total of 10 meetings (up to end of June 2011).

Council Business Division 1  
Legislative Council Secretariat  
5 July 2011



**Legislative Council**

**Panel on Transport**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to transport.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy area prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council  
Panel on Transport**

**Membership list for 2010 - 2011 session**

|                        |   |
|------------------------|---|
| <b>Chairman</b>        | Hon Andrew CHENG Kar-foo  |
| <b>Deputy Chairman</b> | Hon CHEUNG Hok-ming, GBS, JP  |
| <b>Members</b>         | Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP<br>Hon LAU Kong-wah, JP<br>Hon Miriam LAU Kin-yea, GBS, JP<br>Hon Abraham SHEK Lai-him, SBS, JP<br>Hon LI Fung-ying, SBS, JP<br>Hon Tommy CHEUNG Yu-yan, SBS, JP<br>Hon WONG Kwok-hing, MH<br>Hon LEE Wing-tat (up to 22 November 2010)<br>Hon Jeffrey LAM Kin-fung, GBS, JP<br>Hon Ronny TONG Ka-wah, SC<br>Hon KAM Nai-wai, MH<br>Hon CHAN Hak-kan<br>Hon WONG Sing-chi<br>Hon IP Wai-ming, MH<br>Hon Mrs Regina IP LAU Suk-yea, GBS, JP<br>Hon LEUNG Kwok-hung<br>Hon Tanya CHAN<br>Hon Albert CHAN Wai-yip |

(Total: 19 members)

**Clerk** Ms Joanne MAK

**Legal Adviser** Mr Kelvin LEE

**Date** 1 July 2011

立法會

*Legislative Council*

LC Paper No. CB(1)2656/10-11

Ref : CB1/PS/1/08

**Report of the Subcommittee on Matters Relating to Railways  
for submission to the Panel on Transport**

**Purpose**

This report gives an account of the work of the Subcommittee on Matters Relating to Railways (the Subcommittee) during the 2010-2011 legislative session.

**The Subcommittee**

2. The Panel on Transport (the Panel) decided at its first meeting in the current session on 14 October 2010 to form a subcommittee to oversee matters relating to railways. The terms of reference and membership list of the Subcommittee are at **Appendices I and II** respectively.

3. Under the chairmanship of Hon Miriam LAU, the Subcommittee has held nine meetings (up to early June 2011) with the Administration and the MTR Corporation Limited (MTRCL).

**Major work**

Shatin to Central Link (SCL)

4. The 17-kilometre (km) SCL is a territory-wide strategic railway

project with 10 stations<sup>1</sup>. The SCL scheme was gazetted on 26 November 2010 and has started the statutory consultation process which is expected to be completed by early 2012. Thereafter, the Administration will seek funding approval for the remaining railway and non-railway works with a view to commencing construction works in 2012. The construction works for the Tai Wai to Hung Hom Section are expected to be completed in 2018, whereas the Hung Hom to Admiralty Section is expected to be completed by 2020.

5. The Administration and MTRCL briefed the Subcommittee on the progress of the SCL project at its meeting on 4 November 2010, and consulted the Subcommittee at its meetings on 6 December 2010 and 7 January 2011 on a funding application for the advance railway works and non-railway works of SCL. The Administration proposed to expand the Admiralty Station into an integrated station by constructing the SCL and South Island Line (East) (SIL(E)) works concurrently, and to build the new Ho Man Tin Station as an integrated station for passengers of SCL and Kwun Tong Line Extension (KTE) to interchange. In order to tie in with the implementation programme of SIL(E), which was scheduled to commence works in 2011 for completion in 2015, the SCL portion of Admiralty Station had to be constructed in advance of other SCL works. Similarly, the Ho Man Tin Station also had to be constructed in advance of other SCL works to tie in with the implementation programme of KTE, which was scheduled to commence in 2011 for completion in 2015. The advance non-railway works of the project included reprovisioning of the International Mail Centre at Hung Hom and reprovisioning works at Harcourt Garden and Hong Kong Park.

6. Subcommittee members expressed major concern about the on-cost payment by the Government to MTRCL, the rate of which was proposed to be 16.5% of the actual expenditure of the works undertaken. Some members were concerned about the substantial amount of money involved for the on-cost payment, which was estimated to be \$10 billion, and requested detailed information on the management and supervision services provided by MTRCL for the design and construction works. The Administration explained that the percentage was adopted with

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<sup>1</sup> The 10 stations are: Tai Wai, Hin Keng, Diamond Hill, Kai Tak, To Kwa Wan, Ma Tau Wai, Ho Man Tin, Hung Hom, Exhibition and Admiralty.

reference to an agreement made in 2003 between the Government and MTRCL, which provided that if MTRCL was entrusted with civil engineering projects, an amount at 16.5% of the works undertaken would be payable to MTRCL as the on-cost for the design, construction supervision, contract administration and the relevant insurance premium of the project. The Administration would further seek independent consultancy advice in assessing the reasonableness of the on-cost rate for the SCL project. Since the audit conducted by the independent consultant would only be completed in 2012, the Administration had adopted the 16.5% on-cost rate for calculating the on-cost on a provisional basis. The Administration advised that it would adjust the on-cost rate when it sought funding approval from the Finance Committee (FC) for the SCL remaining railway and non-railway works in 2012 in the light of the final on-cost rate for the project.

7. Subcommittee members also expressed concerns on the arrangements of station entrances in Kowloon City and residents' request for constructing a fully sunken Diamond Hill stabling sidings. As regards the impact of changed location of the To Kwa Wan Station, the Administration explained that the railway catchment under the amended railway alignment would cover the more densely populated areas in To Kwa Wan and Kowloon City, thereby offering advantages for renewal of these areas.

#### Kwun Tong Line Extension

8. KTE is an extension of the existing MTR Kwun Tong Line from the Yau Ma Tei Station to Whampoa of approximately 2.6-km long, with two new stations at Ho Man Tin and Whampoa. The Administration and MTRCL briefed the Subcommittee on the progress of the KTE project and consulted the Subcommittee on a funding application for carrying out the essential public infrastructure works (EPIW) associated with KTE at its meetings on 6 and 16 December 2010. Construction of EPIW for KTE was scheduled to commence in mid-2011 for completion in tandem with KTE in 2015.

9. Subcommittee members were keen to ensure that residents would be provided with direct and convenient access to the proposed

stations. They requested the Administration to consider residents' request for provision of direct connection of the Whampoa Station entrance to the basement arcade of Whampoa Garden. The Administration and MTRCL agreed to actively pursue the proposal subject to its technical feasibility and other considerations. The Subcommittee also urged MTRCL to address residents' concerns about the potential impact posed by the ventilation shafts and to consider the alternative design counter proposed by residents. While MTRCL did not adopt the alternative design owing to technical difficulties, it agreed to make the best effort to minimize the size of the ventilation shafts to address residents' concerns.

10. The Subcommittee also followed up residents' request for provision of pedestrian subways along Hung Hom Road to connect Laguna Verde and Hok Yuen area to the Whampoa Station. The Administration explained that as the alignment of the subway suggested by the residents was similar to that of the existing footpath, its function duplicated the footpath and was not cost-effective.

#### South Island Line (East)

11. SIL(E) will be a seven-km long medium capacity railway, running between Admiralty and South Horizons with intermediate stations at Ocean Park, Wong Chuk Hang and Lei Tung. The Administration and MTRCL briefed the Subcommittee on the progress of the SIL(E) project and consulted members on a funding application for carrying out the EPIW associated with SIL(E) at the meeting on 16 December 2010. Construction of EPIW for SIL(E) was scheduled to commence in mid-2011 for completion in tandem with SIL(E) in 2015.

12. The Subcommittee expressed concern about the impact of the proposed railway viaduct section of SIL(E) on the Tung Wah Group of Hospitals Jockey Club Rehabilitation Complex (JCRC) in the vicinity. To address concerns raised by members and stakeholders, MTRCL proposed amendments to the viaduct section, including erecting noise enclosures at the section adjacent to JCRC, moving the viaduct structure farther away to at least 18 metres from JCRC, and lowering the viaduct structure such that the top of the noise enclosure would be about the same

as the ground level of JCRC.

13. The Subcommittee also followed up the concern expressed by the local residents about the environmental impact that might be brought about by the barging point at Telegraph Bay. While the Administration advised that the proposed number of trucks using Telegraph Bay would be reduced to 150 per working day and would only operate for a short time daily, the Subcommittee suggested requiring some trucks to use other barging points with spare capacity. The Administration advised that apart from the barging point at Telegraph Bay, some excavated materials would also be handled by the barging point at Lee Nam Road whereas those arising from SIL(E) station construction at Admiralty would be handled by the barging point at the Western District Public Cargo Working Area. The Administration agreed to make appropriate arrangements for the barging point at Telegraph Bay to minimize impact on local traffic and environment.

Hong Kong section (HKS) of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL)

14. Following FC's approval on the funding applications for implementation of the railway and non-railway works of the HKS of XRL on 16 January 2010, the construction works commenced in end January 2010 for completion in 2015. The Administration provided half-yearly progress reports to the Subcommittee for consideration. At the meeting on 20 May 2011, the Subcommittee discussed the second report on construction progress and financial situation of the XRL project for the period between 1 July and 31 December 2010. Subcommittee members noted that 70% of the foundation works, including piling and diaphragm wall works, had been completed as scheduled.

15. Subcommittee members were concerned about the measures to be taken to alleviate the traffic impact of construction of the West Kowloon Terminus (WKT) on the West Kowloon area. The Administration advised that the temporary roads in the West Kowloon area for the five-stage Temporary Traffic Management Scheme (TTMS) had been completed and open to the public on 2 January 2011. With the implementation of TTMS in the West Kowloon area to facilitate construction of WKT and the 3-tier depressed road system, no adverse impact on the traffic had been observed. The Administration would

continue to engage in close consultation with the District Council concerned on the remaining stages of TTMS and closely monitor the traffic condition.

16. The Subcommittee also expressed concern about the arrangements made by MTRCL to address the concerns of Tai Kok Tsui (TKT) residents affected by strata resumption. The Administration informed members that representatives of the Government and MTRCL had continued to maintain close dialogue with TKT residents on the project progress update and residents' concerns. Home visits were made by the XRL Community Ambassadors to the TKT residents concerned. By end of December 2010, condition survey for about 600 individual units had been conducted. MTRCL had distributed the condition survey reports to individual owners and provided briefings to explain the content of the report. Moreover, professional consultation services on construction works and building surveying were offered free of charge to owners of buildings concerned.

#### Railway safety and incidents

##### *Service disruption of the Tsuen Wan Line (TWL)*

17. The Subcommittee closely followed up the service disruption of TWL on 21 October 2010 which had caused a three-hour suspension of train service between Yau Ma Tei and Jordan Stations. According to MTRCL, the incident was due to a power fault on a train which led to breakage in the overhead line at Yau Ma Tei Station. At the meeting on 4 November 2010, Subcommittee members expressed grave concern about the confusion caused to passengers during the incident by unsatisfactory arrangements in the dissemination of information and emergency bus arrangements, poor crowd control at the emergency bus pick-up points, and the ad hoc changes made to the locations of those pick-up points. The Subcommittee passed the following motion at the meeting -

"That, as quite a number of serious incidents and disruptions have occurred on the railway systems of MTRCL over the past several years and there has been no improvement in the



measures it has adopted in response to these incidents and the way it has handled them; its performance in handling the recent incidents has been more than disappointing and has aroused concern about and dissatisfaction with its railway operations among members of the public; this Subcommittee demands that MTRCL withholds the bonus payments for this year to its Chief Executive Officer and other management staff concerned as a punishment."

18. To follow up the discussion of the Subcommittee, MTRCL had submitted a detailed investigation report on the incident and a report of comprehensive improvement measures for consideration by the Subcommittee. At its meeting on 18 March 2011, the Subcommittee discussed the MTRCL's implementation of improvement measures in a number of areas including customer communication, shuttle bus arrangements, staff training on handling of service disruptions, and crowd management in and outside MTR stations during service disruptions. The Subcommittee noted that after the service disruption of TWL, the Secretary for Transport and Housing had served a notice to the Chief Executive Officer of MTRCL stating that the Government took a serious view of the MTRCL's handling of the incident, and that any failure of a similar scale and/or nature in the future could lead to punitive action to be taken under the Mass Transit Railway Ordinance (Cap. 556). The Administration pledged that it would closely monitor the progress of implementation of MTRCL's remedial measures to prevent recurrence of similar incidents in future.

#### *Recent railway incidents involving rail cracks*

19. The Subcommittee discussed several rail breakage incidents which occurred in January and February 2011, and examined the investigation reports submitted by MTRCL and the improvement measures suggested by the Electrical and Mechanical Services Department (EMSD) in the areas of track work process management in respect of rail installation, emergency repair and conformance to design standards for works. The Subcommittee noted that in each of the rail breakage incidents, MTRCL had immediately made temporary repair and reinforcement to the rails, lowered train speed and monitored operation

conditions closely. The Subcommittee also noted the assessment made by EMSD that railway safety was not compromised. The Subcommittee urged EMSD to follow up with MTRCL to ensure timely implementation of the improvement measures as appropriate. MTRCL assured members that apart from conducting a comprehensive investigation and review into every case of rail breakage and introducing the necessary improvement measures, the number of rail breakage cases would be made public regularly and uploaded to MTRCL's website as requested by the Subcommittee.

20. MTRCL also advised that with an aim to seek further improvements in the inspection and maintenance of its rail asset, a team of experts on rail technology from the Institute of Railway Technology of the Monash University was engaged to conduct a comprehensive review of MTRCL's rail procurement, quality control, inspection and maintenance regime with particular focus on rail cracks and breakages. EMSD had also separately commissioned a permanent way expert to scrutinize the Monash University's study. The review is expected to be completed in July 2011. The Subcommittee will hold a special meeting for follow up discussion on the review report when it is released.

#### *Retrofitting of automatic platform gates (APGs)*

21. The Subcommittee discussed the major findings of MTRCL's technical studies regarding the retrofitting of APGs on East Rail Line (ERL) at its meeting on 21 January 2011. According to MTRCL, if APGs were to be retrofitted on ERL, both the signalling system and the train fleet would have to be replaced to solve technical difficulties. Separately, under the SCL project, MTRCL also made a similar proposal of replacing the signalling system and new trains of the ERL in order to permit operation of the North-South Line<sup>2</sup> (NSL). As such, MTRCL was of the view that retrofitting of APGs in tandem with construction of the NSL of SCL would achieve synergy. Subcommittee members in general expressed strong dissatisfaction with the findings and the

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<sup>2</sup> Under the SCL project, the existing ERL will be extended from Hung Hom, crossing the harbour to reach Admiralty, thereby forming a strategic line from the border at Lo Wu or Lok Ma Chau to the heart of the business centre on Hong Kong Island. This strategic line is termed NSL. The NSL completion date is forecast to be in 2020.

MTRCL's proposal of retrofitting of APGs in tandem with SCL project. MTRCL advised that both projects would require substantial work to be done on ERL platforms. If they were undertaken separately, it was almost certain that work would overlap at sites, causing delay to one project or the other, or once one had finished work on a particular platform, the other might go in to dismantle what had just been installed, thus creating waste and abortive work.

22. Some members suggested that consideration could be given to installing APGs at certain busy ERL stations, such as the Kowloon Tong Station, where the platforms were less curved. These members considered that MTRCL should not just emphasize cost considerations in contemplating whether the two projects should be implemented in tandem or separately. The Subcommittee passed the following motion at the meeting on 21 January 2011-

"That there have been as many as 48 accidents involving passengers falling onto rail tracks and 30 cases of suicide and attempted suicide over the past three years at MTRCL's stations which have not been retrofitted with platform screen doors or APGs, but MTRCL still refuses to immediately retrofit APGs on its ERL and Ma On Shan Rail Line (MOSRL) in disregard of both passenger safety and its corporate social responsibility, this Subcommittee therefore strongly condemns MTRCL for its indifference to passenger safety, and demands that MTRCL immediately retrofit APGs on its ERL and MOSRL to ensure passenger safety."

23. The Subcommittee urged MTRCL to make sustained efforts in exploring feasible solutions which could enable retrofitting APGs at ERL stations as early as possible, at least at those without wide platform gaps first, with a view to enhancing passenger safety.

#### Railway facilities and train compartment design

24. MTRCL previously provided one multi-purpose area in each of the eight compartments for trains on the MTR Island, Tsuen Wan, Kwun Tong, and Tseung Kwan O Lines for the convenience of passengers in

wheelchair and those with baby prams or luggage. In May 2008, MTRCL launched a trial to introduce six additional multi-purpose areas on three trains on the Island Line with a view to facilitating passengers in need. MTRCL planned to gradually introduce additional multi-purpose areas to the trains on TWL, the Kwun Tong Line and Tseung Kwan O Line, and the enhancement programme was expected to be completed in 2011. The Subcommittee did not raise objection to the enhancement programme but it requested MTRCL to seek improvements to the design of these multi-purpose areas to provide more convenience for passengers. MTRCL agreed to make improvements in the light of members' comments.

25. Given the overcrowded condition of MTR trains during busy hours, Subcommittee members in general considered that there was a need to introduce designated female-only compartments at least on a trial basis to enhance the protection of female passengers. Some members considered that MTRCL should strengthen publicity and public education in railway premises to encourage female passengers not to remain silent but to report crime immediately should they encounter indecent assaults. MTRCL, however, considered that introducing female-only compartments on trains was not practicable in Hong Kong's MTR system, which was one of the busiest railways in the world, and there would be difficulties in enforcement as well as adverse impact on smooth and efficient train operations. As members remained of the view that introducing female-only compartment was desirable, the Subcommittee passed a motion on 21 January 2011 urging MTRCL to introduce female-only compartment on a trial basis.

26. As regards provision of public toilets, the Subcommittee noted that with the exception of three stations, public toilets were available within a walking distance of 200 metres (i.e. about four-minute walk) from stations. At the suggestion of members, MTRCL also agreed to consider providing breast-feeding rooms in MTR stations to facilitate passengers in need.

27. In view of the general concern expressed by residents affected by railway projects on the design of the ventilation facilities of railway system in recent years, the Subcommittee discussed the functions and

design considerations of such facilities at its meeting on 6 May 2011. According to MTRCL, it is a statutory requirement that all ventilation openings are required to be at least five metres away from buildings nearby and at least three metres above the pedestrian level. It is also required to comply with the Noise Control Ordinance (Cap. 400) and the statutory codes of the Fire Services Department. Subcommittee members, however, expressed grave concern about the specified minimum distance of only "at least five metres away from buildings nearby". They considered that all ventilation openings should be located far away from residential buildings, and ventilation shafts should only be provided with the support of residents nearby. The Subcommittee further passed the following motion on 6 May 2011-

"That this Subcommittee strongly opposes MTRCL's design for its ventilation shafts, in which the minimum distance between ventilation shafts and residential buildings and community facilities nearby is just five metres, and demands that MTRCL locate its ventilation shafts far away from residential buildings and community facilities nearby and obtain the support from local residents for their construction."

28. To address public concern about the air quality of the exhaust from the MTR ventilation openings, the Subcommittee suggested that MTRCL should release the data recorded by MTRCL by the existing dust monitoring devices installed at the ventilation openings. MTRCL agreed to provide the information and data to the Subcommittee for members' reference.

#### Other issues

29. The Subcommittee also considered a funding application on the protection works at Causeway Bay typhoon shelter for SCL and another application for funding to review and update the Railway Development Strategy 2000. The Subcommittee has scheduled a special meeting for mid-June 2011 to discuss the funding arrangements of the KTE and SIL(E) projects.

**Recommendation**

30. The Panel is invited to note the work of the Subcommittee.

Council Business Division 1  
Legislative Council Secretariat  
5 July 2011

**Panel on Transport**

**Subcommittee on matters relating to railways**

**Terms of Reference**

To follow up various issues relating to the planning and implementation of new railway projects, and the operation of existing railways as follows:

Planning and implementation of new railway projects

- (a) planning and financing of new railway projects;
- (b) environmental impact assessment of new railway projects;
- (c) resumption of land arising from the implementation of new railway projects under the Railways Ordinance (Cap. 519);
- (d) progress update on the implementation of new railway projects;
- (e) provision of supporting public infrastructure for new railway projects; and
- (f) co-ordination of public transport services arising from the commissioning of new railway lines.

Railway operation

- (a) performance of existing railway lines including train service performance and safety management;
- (b) maintenance programme; and
- (c) train service disruptions and breakdowns, and arrangements for handling emergency situations.

Matters relating to corporate governance of the post-merger corporation and fares should be dealt with by the Panel on Transport.

**Legislative Council  
Panel on Transport**

**Subcommittee on Matters Relating to Railways**

**Membership list for 2010-2011 session**

|                      |  |
|----------------------|--|
| <b>Chairman</b>      | Hon Miriam LAU Kin-ye, GBS, JP   |
| <b>Members</b>       | Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP<br>Hon LAU Kong-wah, JP<br>Hon Andrew CHENG Kar-foo<br>Hon Abraham SHEK Lai-him, SBS, JP<br>Hon LI Fung-ying, SBS, JP<br>Hon WONG Kwok-hing, MH<br>Hon LEE Wing-tat (up to 22 November 2010)<br>Hon Jeffrey LAM Kin-fung, GBS, JP<br>Hon CHEUNG Hok-ming, GBS, JP<br>Hon Ronny TONG Ka-wah, SC<br>Hon KAM Nai-wai, MH<br>Hon WONG Sing-chi<br>Hon IP Wai-ming, MH<br>Hon Mrs Regina IP LAU Suk-ye, GBS, JP<br>Hon LEUNG Kwok-hung<br>Hon Tanya CHAN<br>Hon Albert CHAN Wai-yip<br><br>(Total: 17 members) |
| <b>Clerk</b>         | Ms Joanne MAK  |
| <b>Legal Adviser</b> | Mr Kelvin LEE  |
| <b>Date</b>          | 1 July 2011  |