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**BY FAX**

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16 May 2014

Secretary General  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Ms Sophie LAU)

Dear Ms LAU,

**Matters in relation to the meeting of the  
Subcommittee on Matters Relating to Railways to be held on 19 May 2014**

I refer to the letter dated 13 May 2014 from the Hon. WU Chi Wai to the Chairman of the Subcommittee on Matters Relating to Railways (RSC) that you forwarded to us on 15 May 2014. I have been authorized to reply as follows.

**Questions (1), (2) and (3)**

2. The Hon. WU Chi-wai requested the Government to provide him with the Entrustment Agreement (EA) signed between the Government and MTRCL; the agreement signed between the Highways Department (HyD) and the "Monitoring and Verification Consultant" (M&V Consultant), Jacobs China Limited; and the reports submitted by the M&V Consultant to HyD. As the contents of these documents may involve sensitive commercial information, we

are seeking legal advice and will revert as early as possible.

#### **Question (4)**

3. The Hon. WU requested for the advice by the Department of Justice (DoJ) on whether the MTRCL has breached the EA. We are seeking more information concerning the delay from MTRCL. Upon receipt of the relevant information, we will, in consultation with DoJ, follow up the issue seriously.

#### **Question 5**

4. On 8 May 2013, MTRCL briefed HyD about the progress of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), including the progress of all major contracts. MTRCL raised, in particular, the delays in the works of the tunnel section from the boundary to Mai Po (Contract 826) and West Kowloon Terminus (WKT). They pointed out that these were critical to the project completion and had already impacted on the ensuing track-related installation works which were to follow after the completion of the civil works. To catch up with the programme, MTRCL proposed delay recovery measures (DRMs) under Contract 830 "Trackwork and overhead line system", which included procurement of additional plants, such as concrete placing machines, track alignment machines, locomotives and flat wagons, etc. to enable more work fronts and improve production rates of track-laying and overhead lines installation. In addition, DRMs were proposed at WKT, including revising the construction sequences, improving the haul road arrangement and introducing more work fronts to enable early completion of critical floor areas, which could in turn ensure timely or early access for ensuing E&M works. The M&V Consultant also joined the briefing by MTRCL and did not disagree with the effectiveness of DRM proposals. The M&V Consultant also enquired about details of the critical activities and provided comments.

5. Subsequently, MTRCL submitted the DRM proposal to the Project Control Group on 16 May 2013 proposing to procure additional plants associated with track-laying works under Contract 830 to improve the progress of works. HyD and the M&V Consultant, with no objection to the submission after vetting it, provided comments on the proposal and followed up on implementation of the DRMs upon approval of the proposal.

## **Question 6**

6. MTRCL proposed in September 2013 a “partial opening” of WKT by end-2015, which involved opening of part of the WKT platforms for full train service.

7. Subsequently, at the Project Supervision Committee (PSC) meeting on 29 November 2013, MTRCL provided simple milestone targets towards the proposed full operation of XRL with partial opening of WKT in 2015. As the information submitted by MTRCL was simple and the milestones provided were only target completion dates for civil works, which could not be effectively used to monitor short-term progress, HyD requested MTRCL to produce a more detailed roadmap with target milestones for major activities under individual contracts so as to step up the monitoring of short-term progress of individual contracts and have a better grasp of the various aspects of the XRL project, including those at WKT, individual tunnel sections as well as the ensuing track-laying works.

8. At HyD’s request, MTRCL submitted on 9 January 2014 a more detailed roadmap towards the proposed partial opening at WKT. HyD noticed that there were delays at some imminent target milestones which might put the target commissioning in 2015 at risk. In view of this, HyD asked MTRCL on 16 January 2014 for any further measures to mitigate the delays and to recover the delayed programme. In the subsequent PSC meeting on 24 January 2014, MTRCL reported the progress monitoring situation against the detailed roadmap while HyD requested MTRCL to carry out an overall review of the project progress. MTRCL agreed to present to HyD details of the project progress review in April 2014.

## **Question 7**

9. It is noted from the information paper submitted by MTRCL to the LegCo RSC on 2 May 2014 that an internal assessment by MTRCL in December 2013 had indicated that the XRL could not be put into operation in end 2015. We are not aware of the MTRCL’s internal assessment. Until April 2014, MTRCL had been reporting to us the completion target of end-2015, and that they had been working with the contractors on delay mitigation and recovery measures to catch up with the programme.

10. HyD has repeatedly raised concerns about the accruing delay since the PSC meeting of 29 November 2013 enquiring if the target commissioning in end 2015 was still achievable, and asked MTRCL about the delay mitigation and recovery measures to catch up progress slippage. In response, MTRCL had been advising that the target commissioning in end-2015 remained unchanged and that they would review the overall progress report to HyD in April 2014.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Winnie Wong', written in a cursive style.

(Winnie WONG)

for Secretary for Transport and Housing

c.c. Director of Highways (Attn.: Mr. Henry Chan)