



立法會
LEGISLATIVE COUNCIL

來函檔號 YOUR REF :
本函檔號 OUR REF : CB(3)/B/P2/HCF/1 (19-20), CB(3)/B/P2/HCF/2 (19-20), CB(3)/B/P2/HCF/3 (19-20)
電 話 TELEPHONE: 3919 3300
圖文傳真 FACSIMILE : -
電 郵 EMAIL : cb3@legco.gov.hk

香港中區
立法會道1號
立法會綜合大樓913室
許智峯議員

許議員：

3項有關單車友善政策的私人條例草案

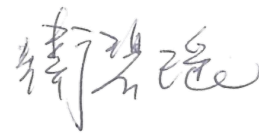
你於2020年4月21日致函立法會主席(“主席”),表示你於去年8月12日致函交通事務委員會(“委員會”)主席,要求就上述條例草案草擬本諮詢委員會,但委員會至今仍未就此展開討論;由於條例草案牽涉法例改動,加上立法會會期即將完結,條例草案有逼切性在立法會會議上處理。你亦表示,曾就條例草案“書面諮詢委員會,並無任何議員有異議”。你現向主席提交上述條例草案,並請主席批准於立法會會議上處理該條例草案(附件)。就此,主席指示我回覆如下。

請你注意,議員向立法會提交法案,必須符合《基本法》、現行法例及《議事規則》的相關規定,並遵循立法會的慣例,而涉及的程序已詳載於立法會網頁內的“立法會議員提交法案資料文件”(立法會CB(3)9/16-17號文件)。按照有關程序及慣例,議員提交法案前,應先就立法建議諮詢相關事務委員會;之後主席會就法案書面徵詢政府當局的意見,並考慮提交法案議員的回應後,才會裁決法案是否符合《議事規則》第51(3)及(4)條的規定(即法案若涉及公共開支或政治體制或政府運作,便不得提出;若涉及政府政策,則有關議員須獲行政長官書面同意,方可提出)。

主席察悉，就你去年8月12日函件所提出的要求，委員會秘書曾於8月14日發出通告(立法會CB(4)1174/18-19號文件)，請委員注意你希望就條例草案諮詢委員會，並按委員會主席指示，將該函件連同條例草案送交委員參閱。委員會其後於2020年1月17日的會議上，同意將條例草案的事宜納入委員會的待議事項一覽表，而**建議的討論日期尚待確定**(立法會CB(4)467/19-20(01)號文件)。就你表示曾就條例草案書面諮詢委員會，主席注意到，此說法與委員會發出的上述通告及文件的提述不同，而至今**未有足夠資料顯示，委員會已就條例草案的事宜獲諮詢**。因此，主席**未能信納你已完成諮詢委員會的程序**。

基於以上所述，主席會按照既定程序及慣例，待你就條例草案諮詢委員會後，才考慮條例草案是否符合《議事規則》。

立法會秘書

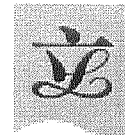


(衛碧瑤代行)

2020年5月6日

連附件

副本致：交通事務委員會主席
立法會所有其他議員



立法會 LEGISLATIVE COUNCIL

許智峯議員 Hon HUI Chi-fung

附件

Annex

(只備中文本

Chinese version only)

香港特別行政區

立法會主席

梁君彥先生

梁主席 台鑒：

向立法會提交私人條例草案

本人於去年草擬了三條有關單車友善政策的私人條例草案，並已於去年5月獲律政司法律草擬專員簽發證明書。本人隨後於8月12日致函交通事務委員會主席，要求就信件的條例草案草擬本諮詢全體委員，及將之納入待議事項，但由於委員會取消了兩次會議，以至仍未能於會議上就此展開討論。由於本人的私人條例草案牽涉實質的法例改動，加上立法會會期即將完結，草案有逼切性於大會上盡快處理，否則有違公眾利益。若草案因委員會取消會議而未能討論本人的草案，以至未能趕及於本年度會期內處理，本人認為此做法有待商榷，另外，草案亦曾書面諮詢委員會，並無任何議員有異議，因此，現謹向閣下提交本人的私人條例草案，批准本人的私人條例草案於大會上處理。

順頌 鈞安

立法會議員許智峯 謹啟

2020年4月21日

《2019年香港鐵路(香港鐵路附例)(修訂)條例草案》

根據《香港特別行政區立法會議事規則》
第 51(2)條簽發的證明書

本人認為《2019年香港鐵路(香港鐵路附例)(修訂)條例草案》符合議事規則第 50 條的規定及香港法例的一般格式。



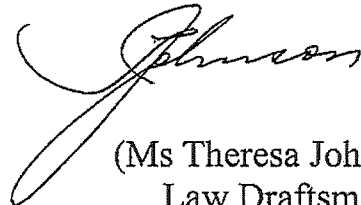
法律草擬專員
莊綺珊

2019年5月22日

**Mass Transit Railway (Mass Transit Railway By-laws)
(Amendment) Bill 2019**

**Certificate under Rule 51(2) of the Rules of Procedure
of the Legislative Council of the Hong Kong
Special Administrative Region**

I am of the opinion that the Mass Transit Railway (Mass Transit Railway By-laws) (Amendment) Bill 2019 conforms to the requirements of Rule 50 and the general form of Hong Kong legislation.



(Ms Theresa Johnson)
Law Draftsman

22 May 2019

本條例草案 旨在

修訂《香港鐵路附例》，以移除現行有關禁止乘客將單車帶過鐵路處所的條文；及訂明乘客可於非繁忙時間內攜帶單車進入鐵路處所。

由立法會制定。

1. 簡稱及生效日期

- (1) 本條例可引稱為《2019年香港鐵路(香港鐵路附例)(修訂)條例》。
- (2) 本條例自2020年1月1日起實施。

2. 修訂《香港鐵路附例》

《香港鐵路附例》(第556章，附屬法例B)現予修訂，修訂方式列於第3及4條。

3. 修訂第4A條(不得將車輛、動物等帶過鐵路處所)

第4A條——

廢除

“單車、”。

4. 加入第4AB條

在第4A條之後——

加入

“4AB. 單車

在不會對任何人造成傷害或任何鐵路財物造成損壞或對使用鐵路的其他人造成滋擾或不便的前提下，港鐵公司須容許乘客於非繁忙時間內攜帶單車進入鐵路處所。”。

摘要說明

本條例草案的主要目的，是修訂《香港鐵路附例》(第 556 章，附屬法例 B)(《附例》)，使乘客能於非繁忙時間內攜帶單車進入鐵路處所。

2. 草案第 1 條列出簡稱，並就生效日期訂定條文。
3. 草案第 3 條修訂《附例》第 4A 條，以移除現行有關禁止乘客將單車帶過鐵路處所的限制。
4. 草案第 4 條在《附例》加入新訂第 4AB 條，以訂明乘客在不會對其他乘客造成不便或傷害的情況下，及在不會對鐵路財物造成損壞的情況下，可於非繁忙時間內攜帶單車進入鐵路處所。

A BILL To

Amend the Mass Transit Railway By-laws to remove the existing restrictions on passengers bringing bicycles across the railway premises; and to specify that passengers are allowed to carry bicycles into the railway premises during non-peak hours.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Mass Transit Railway (Mass Transit Railway By-laws) (Amendment) Ordinance 2019.
- (2) This Ordinance comes into operation on 1 January 2020.

2. Mass Transit Railway By-laws amended

The Mass Transit Railway By-laws (Cap. 556 sub. leg. B) are amended as set out in sections 3 and 4.

3. By-law 4A amended (no vehicles, animals, etc. to be brought across the railway premises)

By-law 4A—

Repeal

“bicycle,”.

4. By-law 4AB added

After by-law 4A—

Add

“4AB. Bicycles

Under the precondition that it does not cause injury to any person or damage to any railway property or cause nuisance or inconvenience to other persons using the railway, the Corporation must allow passengers to carry a bicycle into the railway premises during non-peak hours.”.

Explanatory Memorandum

The main purpose of this Bill is to amend the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) (*By-laws*) to enable passengers to carry a bicycle into the railway premises during non-peak hours.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 amends by-law 4A of the By-laws to remove the existing restrictions on passengers bringing bicycles across the railway premises.
4. Clause 4 adds a new by-law 4AB to the By-laws to specify that passengers are allowed to carry a bicycle into the railway premises during non-peak hours, provided that they do not cause any inconvenience or injury to other passengers, or damage to the railway property.

《2019年渡輪服務(天星小輪有限公司附例)(修訂)條例草案》

根據《香港特別行政區立法會議事規則》
第 51(2)條簽發的證明書

本人認為《2019年渡輪服務(天星小輪有限公司附例)(修訂)條例草案》符合議事規則第 50 條的規定及香港法例的一般格式。



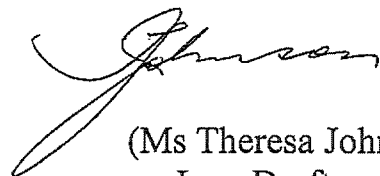
法律草擬專員
莊綺珊

2019年5月22日

**Ferry Services ("Star" Ferry Company, Limited, By-laws)
(Amendment) Bill 2019**

**Certificate under Rule 51(2) of the Rules of Procedure
of the Legislative Council of the Hong Kong
Special Administrative Region**

I am of the opinion that the Ferry Services ("Star" Ferry Company, Limited, By-laws) (Amendment) Bill 2019 conforms to the requirements of Rule 50 and the general form of Hong Kong legislation.



(Ms Theresa Johnson)
Law Draftsman

22 May 2019

本條例草案

旨在

修訂《天星小輪有限公司附例》，以訂明乘客可於非繁忙時間內攜帶單車登上及帶進天星小輪有限公司的船隻及處所範圍。

由立法會制定。

1. 簡稱及生效日期

- (1) 本條例可引稱為《2019年渡輪服務(天星小輪有限公司附例)(修訂)條例》。
- (2) 本條例自2020年1月1日起實施。

2. 修訂《天星小輪有限公司附例》

《天星小輪有限公司附例》(第104章，附屬法例E)現予修訂，修訂方式列於第3條。

3. 加入第5A條

在第5條之後——
加入

“5A. 單車

在不會對任何人造成傷害或任何公司財物造成損壞或對使用渡輪服務的其他人造成滋擾或不便的前提下，公司須容許乘客於非繁忙時間內攜帶單車登上公司的船隻或帶進公司的處所。”。

摘要說明

本條例草案的主要目的，是修訂《天星小輪有限公司附例》(第104章，附屬法例E)(《附例》)，使乘客能於非繁忙時間內攜帶單車乘搭渡輪。

2. 草案第1條列出簡稱，並就生效日期訂定條文。
3. 草案第3條在《附例》加入新訂第5A條，以訂明乘客在不會對其他乘客造成不便或傷害的情況下，及在不會對天星小輪有限公司的財物造成損壞的情況下，可於非繁忙時間內攜帶單車登上渡輪及帶進天星小輪有限公司的處所範圍。

A BILL

To

Amend the "Star" Ferry Company, Limited, By-laws to specify that passengers are allowed to carry bicycles onto the vessels and premises of the "Star" Ferry Company, Limited during non-peak hours.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Ferry Services ("Star" Ferry Company, Limited, By-laws) (Amendment) Ordinance 2019.
- (2) This Ordinance comes into operation on 1 January 2020.

2. "Star" Ferry Company, Limited, By-laws amended

The "Star" Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E) are amended as set out in section 3.

3. By-law 5A added

After by-law 5—

Add

"5A. Bicycles

Under the precondition that it does not cause injury to any person or damage to any of the Company's property or cause nuisance or inconvenience to other persons using the ferry services, the Company must allow passengers to carry

bicycles onto the Company's vessels or the Company's premises during non-peak hours.".

Explanatory Memorandum

The main purpose of this Bill is to amend the "Star" Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E) (*By-laws*) to enable passengers to carry bicycles on board the ferry during non-peak hours.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 adds a new by-law 5A to the By-laws to specify that passengers are allowed to carry bicycles on board and onto the premises of the "Star" Ferry Company, Limited during non-peak hours, provided that they do not cause any inconvenience or injury to other passengers, or any damage to the property of the "Star" Ferry Company, Limited.

《2019年渡輪服務(渡輪服務(天星小輪有限公司)(船費釐定)令(修訂)條例
草案》

根據《香港特別行政區立法會議事規則》
第 51(2)條簽發的證明書

本人認為《2019年渡輪服務(渡輪服務(天星小輪有限公司)(船費釐定)令(修訂)條例草案》符合議事規則第 50 條的規定及香港法例的一般格式。



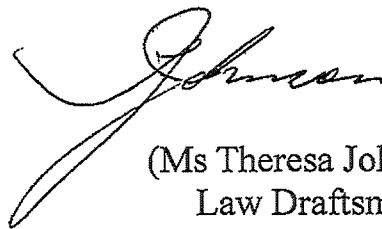
法律草擬專員
莊綺珊

2019年4月24日

**Ferry Services (Ferry Services (The "Star" Ferry Company, Limited)
(Determination of Fares) Order) (Amendment) Bill 2019**

**Certificate under Rule 51(2) of the Rules of Procedure
of the Legislative Council of the Hong Kong
Special Administrative Region**

I am of the opinion that the Ferry Services (Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order) (Amendment) Bill 2019 conforms to the requirements of Rule 50 and the general form of Hong Kong legislation.



(Ms Theresa Johnson)
Law Draftsman

24 April 2019

本條例草案

旨在

修訂《渡輪服務(天星小輪有限公司)(船費釐定)令》，訂明天星小輪來往尖沙咀與中環的航線提供單車服務及天星小輪有限公司不可向攜帶單車乘搭渡輪的乘客收取額外費用。

由立法會制定。

1. 簡稱及生效日期

- (1) 本條例可引稱為《2019年渡輪服務(渡輪服務(天星小輪有限公司)(船費釐定)令)(修訂)條例》。
- (2) 本條例自 2020 年 1 月 1 日起實施。

2. 修訂《渡輪服務(天星小輪有限公司)(船費釐定)令》

《渡輪服務(天星小輪有限公司)(船費釐定)令》(第 104 章，附屬法例 C)現予修訂，修訂方式列於第 3 條。

3. 修訂附表(專營公司可收取的最高船費)

- (1) 附表，在第 1(f)項之後 ——
加入

(g) 單車	“每程 \$0”。
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- (2) 附表，第 2(d)項 ——
廢除
“\$14”
代以

“\$0”。

摘要說明

本條例草案的主要目的，是修訂《渡輪服務(天星小輪有限公司)(船費釐定)令》(第 104 章，附屬法例 C)(《令》)的附表，以訂明天星小輪來往尖沙咀與中環的航線提供單車服務及天星小輪有限公司不可向攜帶單車乘搭渡輪的乘客收取額外費用。

2. 草案第 1 條列出簡稱，並就生效日期訂定條文。
3. 草案第 3(1)及(2)條修訂《令》的附表，為來往尖沙咀與中環的航線提供的服務名單加入“單車”，以容許市民乘搭該航線時能攜帶單車乘搭渡輪，及訂明天星小輪有限公司不可向攜帶單車來往尖沙咀與中環航線及來往尖沙咀與灣仔航線的乘客收取額外費用。

A BILL

To

Amend the Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order to specify that the "Star" Ferry's route between Kowloon Point and Central provides bicycle services, and that the "Star" Ferry Company, Limited must not charge passengers who carry bicycles on board an extra fee.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Ferry Services (Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order) (Amendment) Ordinance 2019.
- (2) This Ordinance comes into operation on 1 January 2020.

2. Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order amended

The Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order (Cap. 104 sub. leg. C) is amended as set out in section 3.

3. Schedule amended (maximum fares that grantee may charge)

- (1) The Schedule, after item 1(f)—
Add

"per trip

(g) Bicycle \$0".

(2) The Schedule, item 2(d)—

Repeal

"\$14"

Substitute

"\$0".

Explanatory Memorandum

The main purpose of this Bill is to amend the Schedule to the Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order (Cap. 104 sub. leg. C) (*Order*) to specify that the "Star" Ferry's route between Kowloon Point and Central provides bicycle services, and that the "Star" Ferry Company, Limited must not charge passengers who carry bicycles on board an extra fee.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3(1) and (2) amends the Schedule to the Order to add "bicycle" to the list of services that the route between Kowloon Point and Central provides so that passengers of the route are able to carry bicycles on board, and to specify that the "Star" Ferry Company, Limited must not charge passengers who carry bicycles on board the route between Kowloon Point and Central and the route between Kowloon Point and Wan Chai an extra fee.

Guide to Ted's Private Member Bills

1. **Bill #1: Ferry Services (Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order) (Amendment) Bill 2019**

- Purpose:
 - i. to specify that Star Ferry's route between Kowloon Point (Tsim Sha Tsui) and Central provides bicycle services; and that
 - ii. Star Ferry must not charge passengers who carry bicycles on board an extra fee
- What existing legislation says - <https://www.elegislation.gov.hk/hk/cap104C>:
 - i. Unlike the route between "Kowloon Point and Wan Chai" as seen in row 2, "bicycle" is not listed in the list of services "Kowloon Point and Central" of row 1 provides (which is why Star Ferry has the mandate of not allowing bicycles on board)
 - ii. As seen in row 2(d), bicycle is charged \$14 per trip
- Changes the Amendment Bill attempts to make:
 - i. Add "bicycle" to the list of services that the route between Kowloon Point (Tsim Sha Tsui) and Central provides so that passengers of the route are able to carry bicycles on board
 - ii. Specify that Star Ferry company must not charge passengers who carry bicycles on board both Kowloon Point – Wan Chai (hence substitute "\$14" with "\$0") and Kowloon Point – Central routes (by adding "\$0")

2. **Bill #2: Ferry Services ("Star" Ferry Company, Limited, By-laws)(Amendment) Bill 2019**

- Purpose:
 - i. To specify that passengers are allowed to carry bicycles onto the vessels and premises of Star Ferry during non-peak hours
- What existing legislation says - <https://www.elegislation.gov.hk/hk/cap104E>:
 - i. No mentioning of "bicycles" at all
- Changes the Amendment Bill attempts to make:
 - i. Add new by-law 5A to specify that passengers are allowed to carry bicycles on board and onto the premises of Star Ferry during non-peak hours, provided that they do not cause any inconvenience or injury to other passengers, or any damage to the property of Star Ferry

3. Bill #3: Mass Transit Railway (Mass Transit Railway By-laws) (Amendment) Bill 2019

- Purpose:
 - i. To remove existing restrictions on passengers bringing bicycles across the railway premises
 - ii. To specify that passengers are allowed to carry bicycles into the railway premises during non-peak hours
- What existing legislation says - <https://www.elegislation.gov.hk/hk/cap556B>
 - i. By-law 4A specifies that “No person shall pass or attempt to bring, pass, drive or conduct any motor vehicle, **bicycle**, motorcycle or other similar conveyance or any handcart across the railway premises or any part thereof at any time.....”
- Changes the Amendment Bill attempts to make:
 - i. Amending by-law 4A by deleting the word ‘bicycle’, so as to remove the existing restrictions on passengers bringing bicycles across the railway premises
 - ii. Add new by-law 4AB to specify that passengers are allowed to carry a bicycle into the railway premises during non-peak hours, provided that they do not cause any inconvenience or injury to other passengers, or damage to the railway property