

MASS TRANSIT RAILWAY BILL

COMMITTEE STAGE

Amendments to be moved by Hon. LAU Chin-shek

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>By deleting the definition of “operating agreement” and substituting-</p> <p>“operating agreement”(營運協議) means any agreement entered into between the Corporation and the Secretary acting on behalf of the Government which is declared by its terms to be an operating agreement for the purposes of this Ordinance or to be an agreement or resolution amending or supplementing such an agreement, as having effect from time to time;”.</p>
4	<p>By deleting subclause (2) and substituting-</p> <p>“(2) The terms and conditions agreed between the Government and the Corporation as having effect with respect to the franchise granted under this section are those set out in the operating agreement.</p> <p>(3) The Legislative Council may by resolution amend the terms and conditions of the operating agreement.</p> <p>(4) Any operating agreement entered, amended or supplemented under this section shall be published in the Gazette.”.</p>
5	<p>(a) In subclause (4), by adding “by order” after “The Chief Executive in Council”;</p> <p>(b) By deleting subclause (5) and substituting-</p> <p>“(5) An order approving an extension of the franchise made under this section shall be subject to the approval of the Legislative Council.”.</p>
6	<p>By adding “of the Legislative Council by way of resolution on the recommendation” after “approval”.</p>
8	<p>By deleting subclause (1) and substituting-</p> <p>“(1) The Chief Executive may by notice in Gazette appoint,</p>

for a period he directs, not more than 4 persons to be additional directors of the Corporation (in this section referred to as “additional director”).

(1A) The 4 persons referred to in subsection (1) shall include a person nominated by employees of the Corporation through elections.

29 By deleting the clause.

34(1) By adding-

“(aa) prescribing the fares payable by persons travelling on the railway;”.

41 By adding-

“(2A) Persons with contract of employment with MTRC in force immediately before the appointed day may all remain in employment and their seniority shall be retained with pay, allowances benefits and conditions of service no less favourable than before.”.

62 By deleting the clause and substituting-

“62 Whether a notice, etc. is subsidiary legislation

A commencement notice issued under section 1(2), an order approving an extension of the franchise made under section 5, an appointment notice made under section 8(1), a regulation made under section 33 and a bylaw made under section 34 are all subsidiary legislation for the purposes of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1); any other instrument issued under this Ordinance is not subsidiary legislation for those or any other purposes.”.