

立法會 *Legislative Council*

LC Paper No. CB(1)398/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

Minutes of meeting held on Friday, 23 November 2007, at 10:45 am in Conference Room A of the Legislative Council Building

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Hon TAM Heung-man

Members absent : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LI Fung-ying, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Ronny TONG Ka-wah, SC

Public officers attending : **Agenda item IV**

Mr Philip YUNG
Deputy Secretary for Transport and Housing (Transport) 1

Ms Sharon HO
Principal Assistant Secretary for Transport and Housing

Mr CHENG Ting-ning
Project Manager/Hong Kong-Zhuhai-Macao Bridge
Highways Department

Action

Mr CHEUNG Chi-hoi
Chief Engineer/Hong Kong-Zhuhai-Macao Bridge
Highways Department

Mr David TO
Assistant Commissioner for Transport/Planning

Agenda item V

Miss Cathy CHU
Deputy Secretary for Transport and Housing (Transport) 2

Mrs Hedy CHU
Principal Assistant Secretary for Transport and Housing

Mr Stephen CHAN
Deputy Director of Electrical & Mechanical
Services/Regulatory Services

Mr K M WOO
Assistant Director of Electrical & Mechanical
Services/Railways

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

Action

- I Confirmation of minutes and matters arising**
(LC Paper No. CB(1)261/07-08 - Minutes of the special meeting held
on 22 October 2007)

The minutes of the special meeting held on 22 October 2007 were confirmed.

- II Information papers issued since last meeting**

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| (LC Paper No. CB(1)163/07-08(01) | - Submission on railway fare concessions for students from a Form 7 student |
| LC Paper No. CB(1)234/07-08(01) | - Submission on Mass Transit Railway Lai Chi Kok Station Cheung Lai Street pedestrian subway and entrances works from the management office of Liberte |
| LC Paper No. CB(1)266/07-08(01) | - Administration's paper on 145TB - Extension of footbridge network in Tsuen Wan |
| LC Papers Nos. CB(1)270/07-08(01) and (02) | Correspondence between a member of the public and the Transport Department on headlights of vehicles |
| LC Paper No. CB(1)280/07-08(01) | - Submission on taxi fare adjustment from Mini Spotters) |

2. Members noted the information papers issued since last meeting.

III Items for discussion at the next meeting scheduled for 18 December 2007

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| (LC Paper No. CB(1)263/07-08(01) | - List of outstanding items for discussion |
| LC Paper No. CB(1)263/07-08(02) | - List of follow-up actions) |

3. Members noted that as the fourth Friday of December was close to the public holidays for Christmas and New Year, the December regular meeting was scheduled to be held on Tuesday, 18 December 2007, at 8:30 am. They agreed that the following items proposed by the Administration would be discussed at the meeting –

- (a) Legislative proposals to enhance road safety; and
- (b) Replacement of conventional traffic signals with light emitting diode (LED) traffic signals in Hong Kong.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, an additional item on "Improvement to Sunny Bay Interchange" was subsequently included in the agenda for the meeting.)

4. Referring to the applications made by some urban and New Territories taxi associations for imposing a fuel surcharge of one dollar per trip, the Chairman informed members that subsequent to the meeting on 30 October 2007, a number of urban and New Territories taxi associations submitted applications for increasing the flagfall charge by one dollar. The Administration was considering the proposed taxi fare adjustment initiated by some of the taxi trade. Subject to the approval of the Chief

Action

Executive in Council, the relevant subsidiary legislation would be tabled in the Legislative Council (LegCo) for negative vetting in due course.

IV Tuen Mun–Chek Lap Kok Link and Tuen Mun Western Bypass

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| (LC Paper No. CB(1)263/07-08(03) | - Administration's paper on Tuen Mun–Chek Lap Kok Link and Tuen Mun Western Bypass |
| LC Paper No. CB(1)264/07-08 | - Paper on Tuen Mun – Chek Lap Kok Link and Tuen Mun Western Bypass prepared by the Legislative Council Secretariat (Background brief) |

5. The Deputy Secretary for Transport and Housing (Transport)1 (DS(T)1) briefed members on the Administration's paper for the item. Members noted that at the Panel meeting on 9 July 2007, the Administration had reported the findings of the Northwest New Territories (NWNT) Traffic and Infrastructure Review conducted by the Transport Department (TD) and consulted the Panel on the plan to proceed with the investigation and preliminary design (I&PD) study for the Tuen Mun–Chek Lap Kok Link (TM–CLKL) and the Tuen Mun Western Bypass (TMWB) (collectively referred to as "the Project" in ensuing paragraphs). With support for early implementation of the Project, the Administration had also consulted the relevant District Councils. The Highways Department had then worked out the Project scope and implementation programme for report to the Panel at this meeting. With support of the Panel, the Administration would seek the funding support of the Public Works Subcommittee (PWSC) and the Finance Committee of LegCo in December 2007 and January 2008 respectively to upgrade part of the Project to Category A for the I&PD study.

6. With the aid of power-point, the Project Manager/Hong Kong-Zhuhai-Macao Bridge, Highways Department (PM/HZMB) briefed members on the Project scope and implementation programme, and justification for the Project.

(Post-meeting note: The presentation material was issued to members by email on 23 November 2007.)

7. Members in general expressed support for the financial proposal on the I&PD study and for the early implementation of the Project. They however expressed various views on the implementation details.

Environmental impacts of the Project

8. Mr WONG Kwok-hing was concerned about the environmental impacts of the Project although he considered it an effective option for meeting the traffic needs of NWNT and diverting traffic away from Tuen Mun Road (TMR) to relieve the traffic congestion there. In this regard, he urged the Administration to address concerns about the Project's impacts on the habitat of the Chinese White Dolphins by exercising care

Action

when reviewing the relevant design options, so as to choose one which had the least impact. In response, PM/HZMB explained that according to the findings of the relevant preliminary environmental review, the Project site was already the part of the habitat where the sighting frequency of Chinese White Dolphins was relatively low. Moreover, various measures would be taken during the construction stage to minimize the impacts, such as the use of closed mechanical grabs for dredging works to avoid spillage, and use of bubble curtains to minimize the noise impacts. After completion of the immersed tube tunnel of TM-CLKL, efforts would also be made to restore the seabed so disturbed to normal. In response to Mr WONG on whether the Administration would closely liaise with green groups during the design stage of the Project to address their concerns about the Project's environmental impacts, PM/HZMB replied in the affirmative, and pointed out that initial contact with green groups had in fact been made during the feasibility study stage.

9. Mr LEE Wing-tat sought to ascertain whether the use of bubble curtains to minimize noise impacts of works projects was the best industry practice. In response, PM/HZMB confirmed that it was a widely recognized practice in the industry and had long been used in other projects. He assured members that the consultants engaged for the project would explore better measures in consultation with green groups when reviewing the Project's design options.

10. Miss TAM Heung-man enquired about the actions to be taken by the Administration if the EIA report of the Project concluded that the Project would cause insurmountable problems. In response, PM/HZMB said that according to the report of the relevant feasibility study, the environmental impacts of the Project should not be too significant. For example, the heritage sites of Hung Lau and Tsing Shan Monastery were away from the alignment of TMWB and TM-CLKL. The use of land tunnels for TMWB would minimize the noise and air pollution which it might cause to Tuen Mun residents. The Administration was also experienced in and keen to explore measures to mitigate the impacts of the construction of the immersed tube tunnel of TM-CLKL on Chinese White Dolphins. In addition, funding would be sought to conduct a detailed EIA study to ensure that proper mitigation measures would be taken to ensure that the Project would not create adverse impacts where ecology and heritage conservation were concerned.

11. Mr Albert CHAN was still concerned about the impacts of the Project on Chinese White Dolphins because, as he recalled, the environmental impacts from the construction of a temporary underwater aviation fuel receiving facility for the Hong Kong International Airport (the Airport) had necessitated the injection of substantial funds to establish a dolphin sanctuary around Sha Chau and Lung Kwu Chau to mitigate the impacts. However, the Administration had yet to report on the effect of the sanctuary. As such, apart from requesting that a report in this regard be provided to assure members, he was also keen to ensure that the environmental impacts of the Project could be mitigated to members' satisfaction. In response, PM/HZMB assured members that the Administration was equally concerned about the conservation of

Action

Chinese White Dolphins and would map out sufficient measures to mitigate the Project's impacts on them.

12. Mr LEUNG Kwok-hung requested the Administration to provide a paper on the effect of the bubble curtain comparing the effect of its use in different local projects as well as comparing its use in Hong Kong with that in other places. In response, PM/HZMB explained that the initial findings of the relevant feasibility study had shown that the impacts of the Project on Chinese White Dolphins could be effectively mitigated. These findings would be reviewed again in the detailed EIA to be conducted. Any data and information so produced could be provided to members if requested.

Impacts and benefits which the Project would bring to traffic

To Tuen Mun Road

13. In response to Ms Miriam LAU, PM/HZMB confirmed that TM-CLKL would be linked to TMR via Wong Chu Road so as to form an alternative route between the urban area and the Airport. Noting the confirmation, Mrs Selina CHOW was concerned that if traffic to the Airport could be diverted to TMR through Wong Chu Road, the traffic load on TMR so increased might aggravate congestion there because, with the above alternative route so provided, people might be tempted to use it even when the existing route to the Airport was not obstructed. In reply to her on whether the planned improvement works to TMR had taken such additional traffic load into account, PM/HZMB explained that the likelihood of motorists taking the alternative route to the Airport instead of the existing route was remote because the alternative route was significantly longer. Mrs CHOW, however, was still concerned that with the construction of TMWB, people living in NWNT might tend to drive to the urban area via TMWB and TMR, thus bringing additional traffic load to TMR. In response, PM/HZMB said that the completion of TMWB and TM-CLKL would reduce the traffic volume on TMR. However, the effect on TMR would be re-examined in the relevant traffic impact assessment study to be carried out at the later stage.

14. Mr LEE Wing-tat pointed out that while the volume to capacity (v/c) ratio of the Base Network (i.e., the road network assumed to be in place in NWNT and Lantau by 2016) could on average be kept below 1.2 with the construction of the Project, congestion might frequently result if smooth traffic at the strategic road junctions concerned could not be ensured. In this regard, according to his own experience, TMR was already congested from time to time, especially the uphill section near Siu Lam and the town centre section near Jusco. He was therefore keen to ensure that pending completion of the Project in 2016, timely efforts could be made to improve the traffic flow along TMR as short-term and medium-term measures where necessary. This was especially important because the impact of the commissioning of Shenzhen Bay Port (SBP) on TMR had yet to be confirmed having regard that the traffic so generated had so far been kept under control by a quota system. He further pointed out that despite the widening of the uphill section of TMR near Siu Lam to four lanes, smooth traffic there

Action

could not be ensured for as long as until 2016. Mrs Selina CHOW echoed his view on the need to expedite improvement works to TMR.

15. In response, PM/HZMB reported that improvement works to TMR would be implemented to upgrade it by phases starting from 2008, such as by adding hard shoulders, and by improving TMR's overall curvature, etc. In fact, the improvement works of TMR's town centre section would commence the following year. The other junctions would also be kept under close monitoring and improvement works would be conducted as necessary. At Mr LEE Wing-tat's request to scientifically conduct random assessment of the traffic flow at the uphill section near Siu Lam, PM/HZMB pointed out that TD was already closely monitoring the traffic flow at all strategic roads in the territory.

To other roads

16. Mr Albert CHAN was concerned about the impacts of the Project on Yuen Long Highway (YLH), which in his view was already congested and could hardly accommodate the additional traffic load to be generated from TMWB in consideration of the significant volume of container traffic which had to use YLH for trips to and from Yuen Long and beyond, namely Huanggang and Lok Ma Chau. He was therefore afraid that commissioning of TMWB and TM-CLKL might aggravate congestion at YLH. Mr LEUNG Kwok-hung shared his view, and requested the provision of relevant traffic figures to assure members. In response, PM/HZMB said that the traffic impacts of the Project on every strategic junctions concerned had already been assessed during the relevant feasibility study stage and found acceptable. At later stages of the Project, the traffic impacts of every relevant road junctions would be re-examined in detail to further ensure the Project would not give rise to adverse traffic situations. Should there be any such adverse impacts, measures would be actively mapped out to address them.

The need for the Project to cater for wider and longer-term development and transport demand

17. Anticipating that the Hong Kong-Zhuhai-Macao Bridge (HZMB) would land in North Lantau, Mr WONG Kwok-hing urged the Administration to ensure that the Project could effectively tie in with HZMB to enhance the cost-effectiveness of both projects. In response, PM/HZMB elaborated that HZMB's landing point had already been decided to be San Shek Wan, which would be linked eastward by viaducts to the Hong Kong boundary crossing facilities to be set up according to the principle of "separate locations of boundary crossing facilities" agreed by the three parties concerned. Since the facilities might be situated northeast of the Airport Island, where the south end of TM-CLKL would likely terminate, when the location of the boundary facilities was decided upon, a more in-depth study would be conducted to determine the southbound alignment of TM-CLKL.

18. Ms Miriam LAU saw a need to tie in the implementation programme of the Project with that of HZMB, so that the two projects could both complete in 2016 to

Action

enable TM-CLKL to, together with HZMB, form a more direct and convenient loop linking major cities in the Pearl River Delta (PRD). In response, PM/HZMB emphasized that the Administration was already making every effort to expedite HZMB. Once the relevant financing arrangement was finalized, the HZMB project could be taken forward expeditiously to tie in with the Project to maximize the economic benefits which the two projects could bring Hong Kong.

19. Noting that both TMWB and TM-CLKL were dual two-lane, Mr Albert HO opined that more lanes should be provided to prepare for longer-term developments in the region, such as the possible developments in North Lantau including the Airport developments, the Lantau Logistics Park, and the likely new container terminal in Lantau, so as to make the substantial funding and efforts required to construct the immersed tube tunnel and viaducts involved, and to acquire land for their construction more worthwhile. Moreover, given the two roads' strategic importance in providing an alternative land access for the Airport, the trips to and from which were time-sensitive, there was also a need to provide additional lanes to ensure smooth traffic flow even when there were serious traffic accidents.

20. In reply, PM/HZMB said that the forecast 2021 v/c ratios of TMWB and TM-CLKL at 0.4 and 0.6 respectively had already taken into account anticipated increase in traffic demand to be generated from future developments in the region, such as the long-term development of the Tung Chung new town, the proposed Lantau Logistics Park, HZMB, the likely container terminal in Lantau and the future population growth in NWNT. As such, there was sufficient spare capacity to cater for traffic demand arising from the very long-term planning horizon up to beyond 2021.

21. Mr Albert HO was unconvinced. In his view, the additional cost incurred for providing one more lane should not be too significant when compared to the substantial funds required for constructing the immersed tunnels and viaducts. In reply, PM/HZMB said that since the above v/c ratio forecasts had been made scientifically, it was believed that the two roads should be able to cater for very long-term developments. Moreover, existing roads had yet to be saturated. The Administration was also experienced in taking traffic management measures to mitigate the impacts of traffic accidents as necessary. As such, it might not be cost effective to provide an additional lane in preparation for developments that were too remote.

22. Miss TAM Heung-man acknowledged the value of the Project to the logistics industry and cross-boundary traffic. She however stressed the need for the Project to also cater to the need for smooth traffic between NWNT and other parts of Hong Kong. In reply, PM/HZMB advised that, keen to address the long-term needs for transport infrastructure in NWNT, the Administration had already mapped out various short-term, medium-term and long-term measures to ensure the transport needs of the residents in NWNT could be met. Where short-term and medium term measures were concerned, improvement works to TMR would be conducted in phases. As to the medium to long-term transport needs of NWNT, they could be effectively met by the Project. Meanwhile, the Administration was also exploring more long-term measures,

Action

such as the Tsing Yi-Lantau Link, and options 1, 3 and 3A in the paper entitled "Traffic and Transport Arrangements for the Commissioning of Shenzhen Bay Port and Northwest New Territories Traffic and Infrastructure Review" provided for the Panel meeting on 9 July 2007. To assure Miss TAM that the above highlighted short and medium-term measures were sufficient, PM/HZMB elaborated that after completion of improvement works, the town centre section of TMR would be widened from two to three lanes to significantly increase its capacity. The works to add hard shoulders to the concerned section and to improve the overall curvature of TMR to bring it up to par with the prevailing highway standard would also significantly improve TMR's traffic flow. In addition, as shown in the earlier power-point presentation, it was believed that with the completion of the Project, the v/c ratio of all major roads in NWNT could be kept within 1.2 in 2021.

23. Mr Albert CHAN opined that instead of just road connections, the Project should be further expanded to include a rail link to effect a convenient loop for rail transport as well. In particular, the rail link should serve passengers as well as cargoes to enable Hong Kong to compete with PRD in the freight industry, which was very important to Hong Kong's overall development. In response, PM/HZMB said that rail development required careful examination as it involved substantial investment. At present, the Administration did not see such demand for a direct rail link from NWNT to the Airport.

24. Mr LAU Kong-wah highlighted the Project's strategic importance in providing connection to HZMB and SBP, and urged the Administration to give due consideration to the transport and security needs so arising. In particular, the Administration should give consideration to the possible establishment of a "green lane" system for TMWB and TM-CLKL, under which cross-boundary trucks would pass along an express lane through the Hong Kong–Mainland boundary with the customs procedures conducted at a logistics centre in a specified place instead of at the boundary. In his view, the above special customs clearance arrangement could effect smoother and more efficient traffic within PRD. In response, PM/HZMB agreed that together with HZMB and the planned Guangshen Yanjiang Expressway and Jingzhu Expressway, the two roads could help form a very important loop linking major cities in PRD. As such, Mr LAU's views above would be taken into consideration in consultation with the relevant trades and other stakeholders when conducting the Project's detailed design.

The implementation programme of the Project

25. Ms Miriam LAU and Mr Albert CHAN were both glad to see the implementation of the Project which in their view was long over-due and should be expedited. Pointing out that the Project could provide the much needed relief for the congestion of the urban-bound traffic in NWNT and an important alternative land access for the Airport, Ms LAU asked why the I&PD study of the Project, planned to start in May 2008 for completion in May 2010, should take two years to complete, and whether the study could be expedited.

26. In response, PM/HZMB explained that two years were required for the I&PD

Action

study because the steps involved would include review of the findings of previous studies on the Project, examination of alignments and design options, conduct of detailed site investigations, preliminary design, and EIA according to the Environmental Impact Assessment Ordinance (Cap. 499). However, there might be scope for expedition of the Project when it came to the statutory procedure stage and the design and tendering stage, where TMWB and TM-CLKL would be gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370), followed by design and invitation of tenders. For example, the statutory procedure stage could be shortened if there were few objections. If the design-and-build approach was adopted to take forward the Project, the design and tendering stage might also be expedited. DS(T)1 supplemented that to expedite the Project, the Administration had already been making various efforts to maintain close communication with all relevant parties, District Councils and the Panel. It was hoped that effective communication could help minimize objections to the road schemes, and facilitate handling of objections that might still arise.

27. In response to Mrs Selina CHOW on the likelihood of completing the Project before 2016 to improve the congestion along TMR earlier, PM/HZMB confirmed that TMWB might be completed about one year earlier than 2016 because it was less complicated than TM-CLKL, which could not be expedited because about 4 km of it would be in the form of an immersed tube tunnel, the construction of which was complicated and time-consuming, not to mention the need to relocate underwater utilities to make way for it. However, if the geological condition of the areas which TMWB went through was more complicated than anticipated, construction of the land tunnels involved in TMWB might take more time, and TMWB might also not be available before 2016. Notwithstanding, he assured members that to expedite the Project, its design stage would be conducted in parallel with other stages. Mr LAU Kong-wah acknowledged the Administration's efforts in taking forward the Project expeditiously.

Relevant financial arrangements

28. Mr LEUNG Kwok-hung enquired whether, as in rail development, property development rights would be granted to generate funds to fill the funding gap for the Project. In reply, PM/HZMB advised that normally road projects would be funded by Government. That was why the Administration was planning to seek the Panel's support for submission to PWSC of a funding proposal on the Project's I&PD study.

29. Noting that the Project would take about \$20 billion to construct, Mr WONG Kwok-hing enquired whether tolls would be charged for the use of TMWB and TM-CLKL to recover such substantial investment. He was concerned that, if tolled, the two roads might fail to relieve the congestion on TMR as in the case of Route 3, where there was also great difficulty in rationalizing the utilization of the tolled Route 3 and the alternative TMR, which was non-tolled. In response, DS(T)1 confirmed that the Administration had yet to make a decision in this regard due to the need to take into

Action

consideration a number of factors, such as the availability of alternative roads and their alignment, etc. , and the design of the two roads.

30. Noting the Administration's response, Mr WONG Kwok-hing strongly requested that his call upon the Administration to refrain from charging tolls for use of TMWB and TM-CLKL be minuted. In his view, only when the two roads were non-tolled could the Administration have greater bargaining power in its discussion with the franchisee of Route 3 on the option of extension of franchise upon its expiry in May 2025 in exchange for toll reduction to rationalize the utilization of Route 3 and the alternative TMR. Efficient use of the two roads could also effect the creation of the loop linking major cities in PRD planned to be completed by the two roads. In reply, DS(T)1 explained that public affordability, effect on the traffic flow, the cost-effectiveness and financial viability of the two roads as well as the traffic situation of related roads were all factors to be considered when deciding whether the two roads would be tolled and if so, the toll levels. The design of the two roads would also need to take the above decision into account as toll collection points would need to be provided if tolls were to be charged. In response to Mr WONG on when the decision could be made, DS(T)1 said that it would need to be made in the light of the design details of the two roads and hence could not be made pending their availability.

Other views and concerns

31. Mr LEUNG Kwok-hung was keen to ensure that the Project, which required substantial Government funding, would be able to increase employment opportunities. In his view, the number of jobs created should be a consideration when vetting the relevant tenders. In this regard, he also expressed regrets that the Administration should commence the Project during inflation instead of earlier, when there was deflation. In response, PM/HZMB emphasized that the Project would definitely create many jobs. According to the preliminary assessment, a few thousand jobs would be created during the implementation stage.

32. Mr LAU Kong-wah pointed out that the present traffic load of SBP had been deliberately kept small under a quota system to avoid overloading TMR. He also suspected that the construction of TMWB and TM-CLKL might not be able to solve the congestion along TMR to ensure smooth connection between Tuen Mun and the urban area. As such, there remained a need to maximize the use of Route 3 to relieve the congestion along TMR and to enable SBP to operate to its designed capacity. The Administration noted his views.

33. Summing up, the Chairman concluded that the Panel supported the relevant funding proposal and its submission to PWSC at its meeting on 20 December 2007, and urged the Administration to expedite implementation of the Project as far as practicable.

Action

V Staffing proposal to enhance railway safety regulation

(LC Paper No. CB(1)263/07-08(04) - Administration's paper on staffing proposal to enhance railway safety regulation)

34. The Deputy Secretary for Transport and Housing (Transport)2 (DS(T)2) briefed members on the captioned staffing proposal. Members noted that in consideration of the need to enhance Hong Kong Railway Inspectorate (HKRI)'s regulatory functions and the number of new railway projects under planning, the Administration was proposing to strengthen HKRI's manpower by upgrading its existing head from a Chief Electrical and Mechanical Engineer (CEME)(D1) to a Government Electrical and Mechanical Engineer (GEME)(D2) post, and by creating two non-directorate engineering posts, as well as to integrate HKRI into the Electrical and Mechanical Services Department (EMSD). The Administration was also planning to submit the staffing proposal to the Establishment Subcommittee (ESC) of the Finance Committee (FC) for consideration at its meeting on 12 December 2007 and for seeking FC's approval on 11 January 2008.

Concerns about the proposed integration of Hong Kong Railway Inspectorate into the Electrical and Mechanical Services Department

35. Noting the increase in length of the railway network from 110 km in 1990 to more than 210 km at present, and the commissioning of further new lines in future, Mr WONG Kwok-hing was keen to ensure that HKRI's ability to cope with the increased quantity and complexity of HKRI's regulatory work so resulting would not be affected by its integration into EMSD. In particular, he was concerned that owing to the need for the head of HKRI to report to the Deputy Director of EMS/Regulatory Services and to the Director of EMS after the integration as shown in the proposed organization chart in Annex 4 to the Administration's paper, HKRI might have difficulty in responding to railway incidents the very instance they occurred. Recalling that members had in the past called for the increase in both the establishment and power of HKRI, the Chairman was dissatisfied that, instead of according HKRI a higher standing, the Administration was proposing to integrate it into EMSD as one of the department's many teams, so that HKRI might not be able to make decisions itself but had to report to two higher officials. He cautioned that given the above proposed reporting hierarchy, HKRI might not be able to respond to railway incidents efficiently enough to ensure railway safety notwithstanding the proposed upgrading of its head and creation of two additional posts.

36. DS(T)2 shared members' view on the importance of efficient response to railway incidents and hence the need to conduct investigations into their causes and decide on remedial measures promptly. She assured members that HKRI's integration into EMSD would not affect but would only enhance its efficiency in responding to railway incidents for the following reasons –

- (a) Given the relatively high relevance of electrical and mechanical engineering in railway engineering systems, the stronger electrical and mechanical engineering support made available for HKRI by its integration into EMSD

Action

would better equip HKRI for responding promptly to railway incidents;

- (b) The relevant legislation had already empowered HKRI to respond quickly and independently to railway incidents by requiring railway corporations to submit reports to it whenever there were railway incidents and to give it every assistance in its investigation work;
- (c) At present, technical or manpower support would be sought from EMSD from time to time, especially when major railway incidents occurred. Housing HKRI under EMSD would ensure in-house professional support could be provided even more promptly to HKRI as and when necessary, enable the deployment of relevant expertise for the purpose of overseeing railway safety, facilitate the nurturing of expertise and experience of HKRI, and allow HKRI's work to be monitored and supervised by senior officers of the professional grade of the department; and
- (d) HKRI was currently administratively attached to and had to report to the Transport and Housing Bureau. Whilst in future HKRI would be integrated into EMSD, it would still, as at present, be the first line regulator to investigate railway incidents and take follow-up actions with the railway corporation.

37. Mr LEUNG Kwok-hung pointed out that the above highlighted expert assistance EMSD could provide HKRI after their proposed integration could in fact be provided by consultants who were also experts. The closer working relationship between HKRI and EMSD to be brought about by their integration could also be easily achieved by the appointment of a co-ordinating committee. According to him, the above alternative arrangements could help preserve HKRI's independence to effect the necessary checks and balances of power which in his view was very important. To support his alternative proposal, he sought details on overseas practices in railway service regulation.

38. In response, DS(T)2 stressed the need to entrust a Government agency instead of a private consultant to perform the regulatory function to ensure the integrity and impartiality of safety regulation. Consultants should only be engaged where complicated incidents were involved and special professional advice was required in investigating the incidents. She further reiterated that existing legislation had already adequately empowered HKRI to efficiently and independently perform its daily regulatory functions as well as its role of investigating railway incidents and recommending improvement measures accordingly.

39. Noting the Administration's response above, Mr LEUNG Kwok-hung opined that consultants could be hired to monitor HKRI's performance instead. He stressed the importance of the separation of powers and hence independent operation by HKRI as in the case of the Independent Commission Against Corruption. In response, DS(T)2 reaffirmed that existing legislation had already empowered HKRI to function independently.

Action

Other views and concerns

40. Mr WONG Kwok-hing was keen to ensure that expertise in rail operation was a prerequisite for the proposed GEME(D2) post. In response, DS(T)2 elaborated that the holder of the post would be a professional engineer familiar with and experienced in rail operation, design and maintenance. She further explained that engineering training was mainly categorized into mechanical engineering, civil engineering and electrical engineering. Knowledge in rail operation was mainly acquired from work experience. In this regard, the potential candidate for the GEME(D2) post would be an engineer with more than ten years experience in railway design, maintenance and regulation, he would be well-versed with the engineering and safe operation of the railway systems. In response to Mr WONG, she also confirmed that at the present stage, the Administration considered it more appropriate that the candidate for the post should be selected within Government. This was because only Government staff could have rich experience in railway safety regulation, and would be able to function independently backed by their familiarity with the existing regulatory mechanism and the relevant legislation, as well as with the present operation of the two railway corporations, the rail systems of which would merge on 2 December 2007.

41. Wary of over-regulation, Ms Miriam LAU highlighted the leading position of Hong Kong's railways in terms of safety, and pointed out that despite that there was room for improvement, there had never been any large-scale railway incident in Hong Kong. As such, while supporting the proposal to enhance HKRI's regulatory functions to further improve rail operation, and to strengthen HKRI's manpower in recognition of the expansion of the railway network, she was also keen to ensure that a proper balance could be struck to avoid harmful over-regulation.

42. In response, DS(T)2 clarified that daily operation of rail service would remain within the purview of the post-merger corporation (MergeCo) and HKRI would not infringe upon its powers and duties. The Administration was proposing to enhance HKRI's regulatory functions mainly because of the need for more strategic and focused regulatory efforts to prepare for the continuing expansion of the railway network and increasing public expectation. In this regard, the current plan was to make the monitoring by HKRI more comprehensive and strategic by taking into account the potential safety risk areas during different phases of a life cycle of each railway. In other words, in addition to the present arrangement, HKRI would adopt the "risk-based" approach to monitor the safety critical areas and their potential associated risks under different scenarios through the life cycle of a railway. HKRI would also review the priority of these risks regularly to ensure its safe operation throughout different phases of a life cycle of a railway. It was believed that maintenance efforts could be improved in this way to further minimize the occurrence of railway incidents and maintain the high safety standard of rail operation in Hong Kong. DS(T)2 further assured members that the planned risk-based monitoring efforts would be worked out in close consultation with MergeCo to ensure their feasibility and effect.

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43. In recognition of HKRI's statutory power and expertise and the proposal to upgrade its head and strengthen its manpower, Mr Albert CHAN highlighted the adverse impact of the cabin dislodgement incident of Ngong Ping Skyrail (the Incident) on Hong Kong's reputation, and urged the Administration to consider placing the Skyrail under HKRI to improve regulation of the former and hence its safety standard. In reply, DS(T)2 explained that the two systems were completely different. While rail service was a form of public transport, the Skyrail was essentially a tourism project. Moreover, there was already another team under EMSD closely regulating the latter. The Deputy Director of Electrical & Mechanical Services/Regulatory Services echoed her points, and added that the design, maintenance and operation of the Skyrail were regulated by another piece of legislation. The Panel on Economic Development was also closely following up the report of the Incident and would meet on 26 November 2007 for the purpose. At Mr CHAN's request, the Administration agreed to provide information relating to the different legislative frameworks, the regulatory functions, and the respective regulatory teams of railways and cable cars.

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44. Summing up the above discussion, the Chairman concluded that, despite the above views and concerns expressed, members generally were in support of the Administration's proposal to submit the staffing proposal to ESC for consideration. He however urged the Administration to provide the information requested by a member of the Panel about the regulatory regime and the regulatory teams of rail service and the Skyrail before the relevant ESC meeting.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)401/07-08 dated 6 December 2007.)

VI Any other business

45. There being no other business, the meeting ended at 12:20 pm.

Council Business Division 1
Legislative Council Secretariat
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