



立法會 LEGISLATIVE COUNCIL

許智峯議員 Hon HUI Chi-fung

立法會交通事務委員會

交通事務委員會委員：

就私人條例草案諮詢全體委員

鑒於當局推行的單車友善政策進度緩慢，本人跟不少單車團體的成員討論過後，均認為原因之一為公共交通工具帶頭對單車使用者施加的種種規限所致。有見及此，本人跟不同持份者討論過後，草擬了三條私人條例草案，分別為：《2019年香港鐵路（香港鐵路附例）（修訂）條例》、《2019年渡輪服務（天星小輪有限公司附例）（修訂）條例》，及《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》（下稱“《條例草案》”），希望能移除現時港鐵及天星小輪就禁止攜帶單車的限製，及取消現時渡輪就乘客攜帶單車而須收取的費用。

本人的《條例草案》已獲律政司法律草擬專員簽發的證明書，亦知悉《條例草案》已被納入委員會的待議事項。可是，為了盡快進行立法程序，經參考吳永嘉議員就《2019年聖若翰學院（修訂）條例草案》以書面方式諮詢全體委員後，現謹向本委員會提交《條例草案》草擬本及相關資料（詳見附件一和二），以此方式就《條例草案》諮詢全體委員。如有任何意見，歡迎於2020年10月29日前與本人聯繫。

順頌 鈞安

立法會議員許智峯 謹啟

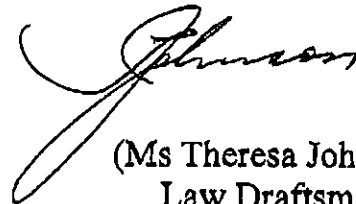
2020年10月15日

附件一：

**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

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

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

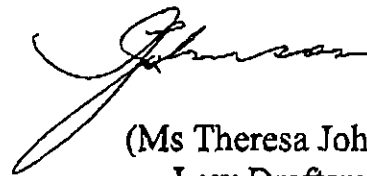
本條例草案的主要目的，是修訂《香港鐵路附例》(第 556 章，附屬法例 B)(《附例》)，使乘客能於非繁忙時間內攜帶單車進入鐵路處所。

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。

**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

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(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

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。

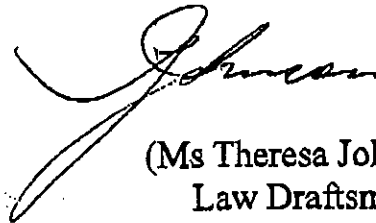
2. 草案第1條列出簡稱, 並就生效日期訂定條文。

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。

**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

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.

**《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

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

“每程

(g) 單車

\$0”。

- (2) 附表，第2(d)項 —— 廢除
“\$14”
代以

“\$0”。

《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》

摘要說明

第 1 段

3

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。

附件二：

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