

# LegCo to debate motion on restructuring governance of MTR Corporation Limited

The following is issued on behalf of the Legislative Council Secretariat:

The Legislative Council (LegCo) will hold a meeting tomorrow (November 14) at 11.30am (or immediately after the meeting for the Chief Executive's Question Time to be held at 11am) in the Chamber of the LegCo Complex. During the meeting, Members will debate a motion on restructuring the governance of MTR Corporation Limited.

The motion, moved by Mr Michael Tien, states: "That the MTR Corporation Limited (MTRCL) has built and operates 11 railways in Hong Kong, and in the future, seven new railway projects will most likely be assigned to MTRCL; the people of Hong Kong heavily rely on the railway system as a mode of transport, but in recent years, there have been strong views in society on the service quality, corporate governance and supervision of works of MTRCL; the Hong Kong Special Administrative Region (SAR) Government as the majority shareholder of MTRCL has a major responsibility of monitoring MTRCL in providing to the public the safest railway services and infrastructure of the best quality; in this connection, this Council urges the SAR Government to adopt the following measures to restructure the governance of MTRCL to restore public confidence in MTRCL:

(1) setting up an independent railway development department—given that at present, a railway from planning to construction involves various government departments, including the Electrical and Mechanical Services Department, the Civil Engineering and Development Department, the Buildings Department and the Highways Department, resulting in fragmentation of responsibilities and inefficiency; besides, responsible for all the works of roads, tunnels, bridges, etc. in Hong Kong, the Highways Department can hardly attend to everything at the same time, thus giving rise to problems in the regulation of railways; hence, the SAR Government should set up an independent railway development department dedicated to railway works and directly responsible to the Secretary for Transport and Housing;

(2) planning new development areas in tandem with their ancillary railway facilities—in planning some of the new development areas in the past, since the SAR Government did not concurrently consider ancillary transport facilities, serious traffic problems arose in such areas, and the SAR Government then constructed railways in a rush, thus causing the works quality to fall; hence, new development areas and ancillary railway facilities should be planned in tandem in order to prevent the quality of railway projects from being affected by very tight work schedules;

(3) urging MTRCL to regularly review its investment strategy of updating the signalling system—in the past, repeated serious disruptions of MTR train

services were caused by the ageing signalling system; hence, MTRCL should regularly upgrade the signalling system to the latest version, rather than refusing to upgrade the signalling system on the ground of the cost being the prime factor of consideration, so as to ensure provision of stable and reliable public transport services to passengers;

(4) rationalising the appointment of the Chairman and the Chief Executive Officer of MTRCL—to cope with the foreseeable railway projects, either of the Chairman and the Chief Executive Officer of MTRCL, being the two highest persons-in-charge, should have an engineering background to facilitate monitoring of the works progress at the highest level;

(5) supervising MTRCL in reviewing the criteria of its internal tendering system—when drawing up the criteria of its internal tendering system, MTRCL should study following the criteria of the tendering system of the SAR Government which draw greater reference from the past performance, cooperative attitude, accountability performance of tenderers, etc., rather than overstressing the principle of 'the lowest bid wins' and the number of times the tenderers were awarded railway projects in the past as priority considerations, so as to avoid monopolisation;

(6) requiring MTRCL to strengthen the project management notification system—MTRCL should draw up specific and transparent notification criteria and make improvements on two levels: on the first level, requiring frontline site staff to report to the management in higher ranks the site conditions, including but not limited to issuing to contractors non-conformance notices/reports for any work that does not comply with plans and works requirements, and on the second level, reporting to the Government all construction problems in respect of repeated mistakes without rectification, delays in resolving such problems and suspected violations of statutory requirements; and

(7) raising MTRCL's requirements for supervision of the works of contractors—MTRCL should draw reference from the requirements of the SAR Government in supervising public works, including considering the introduction of the Contractor Management Handbook for public works to conduct regular assessments on the quality, progress and safety of works, environmental protection, management and attitude of the persons-in-charge of projects, subcontracting of works, performance of procurement, etc., and requiring resident site staff to conduct thorough on-site supervision, thereby effecting more stringent supervision of railway projects."

Mr Luk Chung-hung, Mr Chan Han-pan, Dr Kwok Ka-ki and Mr Lam Cheuk-ting will move separate amendments to Mr Michael Tien's motion.

Mr Chan Chi-chuen will move a motion on studying the formulation of policies for homosexual couples to enter into a union. The motion states: "That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples."

Dr Priscilla Leung, Mr Au Nok-hin and Mr Gary Fan will move separate

amendments to Mr Chan Chi-chuen's motion.

Members will also continue to debate on two motions moved under the Legislative Council (Powers and Privileges) Ordinance. The first motion, moved by Ms Claudia Mo, states: "That this Council appoints a select committee to inquire into the incident of serious land subsidence of buildings near the construction site of To Kwa Wan station of the Shatin to Central Link (SCL), and whether the incident involved ineffective monitoring by the SAR Government and the MTRCL and their deliberate concealment of the land subsidence problem, and other related matters; and that in the performance of its duties the committee be authorised under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

The second motion, moved by Mr Lam Cheuk-ting, states: "That this Council appoints a select committee to inquire into matters relating to the MTRCL's alleged concealment of the substandard construction works and alternations to the construction drawings of the SCL, alleged failure to suspend the construction works and notify the public when the settlement of some monitoring points is found to have exceeded the pre-set trigger levels during the construction of 8 stations along SCL, and subsequent proposal of relaxing the pre-set trigger levels for temporary suspension of works of the monitoring points near the construction site of the Exhibition Centre Station of SCL, and other related matters, and that in the performance of its duties the committee be authorised under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

Meanwhile, Mr Jeffery Lam will move a proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance to extend the period for amending the Peak Tramway (Safety) (Amendment) Regulation 2018 and the Peak Tramway Ordinance (Amendment of Section 3(3)) Notice 2018 laid on the table of the Council on October 24, 2018 to the meeting of December 12, 2018.

Mr James To will move a proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance to extend the period for amending the Merchant Shipping (Seafarers) (Working and Living Conditions) (Amendment) Regulation 2018, the Merchant Shipping (Seafarers) (Official Log Books) (Amendment) Regulation 2016 (Amendment) Regulation 2018, the Merchant Shipping (Seafarers) (Amendment) Ordinance 2013 (Commencement) Notice 2018, the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Commencement) Notice, the Merchant Shipping (Seafarers) (Allotments) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016 (Commencement) Notice 2018, the Merchant Shipping (Seafarers) (Hours of Work) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Crew Accommodation) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Official Log Books) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Repatriation) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents

and Dangerous Occurrences) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Medical Stores) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Code of Safe Working Practices) (Amendment) Regulation 2016 (Commencement) Notice, the Merchant Shipping (Seafarers) (Provisions and Water) Regulation (Repeal) Regulation (Commencement) Notice, the Merchant Shipping (Seafarers) (Ships' Doctors) Regulation (Repeal) Regulation (Commencement) Notice, the Merchant Shipping (Seafarers) (Fees) (Amendment) Regulation 2016 (Commencement) Notice and the Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2016 (Commencement) Notice laid on the table of the Council on October 24, 2018 to the meeting of December 12, 2018.

On government motion, the Secretary for Financial Services and the Treasury will move a proposed resolution under the Loans Ordinance to authorise the Government to borrow for the purposes of the Capital Works Reserve Fund (CWRP), sums not exceeding HK\$100 billion or equivalent that may be outstanding by way of principal under the Government Green Bond Programme. Sums borrowed under this authorisation will be credited to CWRP.

On government bills, the Second Reading debate on the Inland Revenue (Amendment) (No. 5) Bill 2018, the Ferry Services (Amendment) Bill 2018 and the Private Healthcare Facilities Bill will resume. If the Bills are supported by Members and receive their Second Reading, they will stand committed to the committee of the whole Council. After the committee of the whole Council has completed consideration of the Bills and their reports are adopted by the Council, the bills will be set down for the Third Reading.

The Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 and the Inland Revenue (Amendment) (No.7) Bill 2018 will be introduced into the Council for the First Reading and the Second Reading. The Second Reading debate on the bills will be adjourned.

On Member's bill, the Professional Accountants (Amendment) Bill 2018 will be introduced into the Council for the First Reading and the Second Reading. The Second Reading debate on the bill will be adjourned.

During the meeting, the Chairman of the LegCo Public Accounts Committee, Mr Abraham Shek, will present the "Supplemental Report of the Public Accounts Committee on Report No.70 of the Director of Audit on the Results of Value for Money Audits" and address the Council.

Members will also ask the Government 22 questions on various policy areas, six of which require oral replies.

The agenda of the above meeting can be obtained via the LegCo website ([www.legco.gov.hk](http://www.legco.gov.hk)). Please note that the agenda is subject to change, and the latest information about the agenda could be found on the LegCo Website. Members of the public are welcome to observe the proceedings of the meeting from the public galleries of the Chamber of the LegCo Complex. They may reserve seats by calling 3919 3399 during office hours. Members of the public can also watch or listen to the meeting via the "Webcast" system on the LegCo Website.

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## Transcript of CE's remarks at media session before ExCo meeting

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting this morning (November 13):

Reporter: During President Xi's speech yesterday, there was this mention of, there were earlier reports saying that, he mentioned that the city needs to be self-conscious when it comes to protecting national security. How would the SAR Government interpret that and how would that affect the way how your Government Administration and the policy direction?

Chief Executive: What the President said about that particular issue, in a way, was no different from what I said in my Policy Address. Unfortunately, I only have a Chinese version in front of me. My Chinese version, paragraph 8 and paragraph 33, attempted to address that particular issue. Paragraph 8 describes the relationship between the Central Authorities and the Hong Kong Special Administrative Region, and I've said therein that for any advocacy of independence of Hong Kong, for any acts that would undermine the national sovereignty, security and development, of course the Government will not tolerate. So that is very much in line with that self-awareness to protect national security. And when it comes to specifically about enactment of local legislation to put into effect Basic Law Article 23, I said in paragraph 33 that although I said previously that we will have to treat this issue very prudently because of previous controversies, that doesn't mean that we will take no action when we have some local existing legislation that could address any acts undermining national security or advocating independence of Hong Kong. And the action taken by the Secretary for Security is a good indication of that determination and self-awareness.

Reporter: Mrs Lam, if the Government did not pressure Tai Kwun over the Ma Jian cancellation, do you take some personal responsibility for this atmosphere of self-censorship watchdogs warned your red line policy would create?

Chief Executive: First of all, I said categorically that the Government had absolutely no involvement in this Tai Kwun incident. I said this once again. I only came to know about this when it was reported in the media, that's point number one. Point number two, by definition, you are referring to self-censorship, so how could the Government be involved in any self-censorship exercised by the individual entities. And thirdly, under the Basic Law, we safeguard freedoms – freedom of expression, freedom of journalism and freedom of gathering, and as the Chief Executive of the Hong Kong Special Administrative Region, I take that constitutional obligation very seriously, so I would defend those freedoms in a very responsible manner.

(Please also refer to the Chinese portion of the transcript.)

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## [Hong Kong Customs reminds members of the public that illicit import of cannabis is criminal offence](#)

The Customs and Excise Department (C&ED) reminds members of the public that illicit import of cannabis is a criminal offence.

A department spokesperson said today (November 13) that the C&ED attaches great importance to combating trafficking in dangerous drugs, and takes rigorous enforcement action in accordance with Hong Kong's laws. Noting that the recreational use of cannabis has recently been legalised in individual overseas jurisdictions, the C&ED reminds members of the public that cannabis is a dangerous controlled drug in Hong Kong. Illicit import of cannabis or any products that contains controlled cannabinoids (such as tetrahydro-cannabinol, or "THC") constitutes a criminal offence.

Cannabis and THC (a major cannabinoid present in cannabis plants) are dangerous drugs controlled under the Dangerous Drugs Ordinance (Cap. 134). Any products (including any food products and drinks) that contain cannabis or THC are also controlled under Cap. 134.

Under Cap. 134, trafficking in dangerous drugs, or illicitly importing to and exporting from Hong Kong, procuring, supplying, manufacturing, or dealing in or with dangerous drugs, constitutes a criminal offence. The maximum penalty is life imprisonment and a fine of \$5 million. Illicitly possessing, or smoking, inhaling, ingesting or injecting dangerous drugs is subject to a maximum penalty of imprisonment for seven years and a fine of \$1 million.

"Cannabis is addictive and can cause serious health harms. In some overseas jurisdictions, products containing cannabis or THC (such as food products and drinks) may be available for sale. Members of the public should pay attention to the packaging labels of the products concerned while making purchases in those jurisdictions as well as the relevant domestic legislation in relation to cannabis, so as to avoid breaching the law inadvertently. Members of the public must also note that it is a criminal offence under Cap. 134 to bring such products into Hong Kong," the spokesman said.

The C&ED closely monitors the trends concerning dangerous drugs in other places and implements appropriate strategies. Stringent law enforcement is imposed on passenger and cargo clearance, including air postal packets and express cargo, to effectively combat drug trafficking activities and

interdict the flow of dangerous drugs into Hong Kong.

Customs also appeals members of the public to report any suspected illicit drug-related activities through C&ED's 24-hour telephone hotline 2545 6182 or its dedicated crime-reporting email account ([crimereport@customs.gov.hk](mailto:crimereport@customs.gov.hk)).

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## [Tuen Mun Community Green Station officially opens \(with photo\)](#)

The Secretary for the Environment, Mr Wong Kam-sing, today (November 13) officiated at the opening ceremony for the Tuen Mun Community Green Station (CGS), marking the launch of full services by the Tuen Mun CGS to encourage members of the public to practise waste reduction and clean recycling, and to foster a green community.

Speaking at the opening ceremony, Mr Wong said that waste reduction is a global trend and Hong Kong, as an international city, should step up its efforts in this regard. For this purpose, the Government is adopting a multi-pronged approach, including introducing municipal solid waste (MSW) charging, with a view to promoting waste reduction at source and clean recycling, and reducing the overall waste disposal level. To tie in with the implementation of MSW charging, the Government attaches great importance to strengthening public education and recycling support for waste reduction and recycling, including the establishment of a network of CGS across the territory to strengthen the support for waste reduction and recycling and environmental education at the community level.

Following an open tender by the Environmental Protection Department (EPD), Yan Oi Tong (YOT) was awarded a three-year service contract to operate the Tuen Mun CGS in June this year. Mr Wong noted that YOT is based in Tuen Mun and has long-term community service experience in the district. He said he was confident that YOT has the ability and experience to develop an extensive service network and provide recycling support and environmental education programmes to promote the message of "use less, waste less" at the community level, which will help facilitate the implementation of MSW charging in due course.

Located at 9 Tuen Yi Street in Tuen Mun, the Tuen Mun CGS is open to the public from 8am to 8pm daily, except for specified closed days. Prior to the official opening, the Tuen Mun CGS had already been actively providing a recyclables collection service for housing estates and organisations in the district that were participating in its recycling programmes, as well as holding environmental education programmes at various locations in the district to promote the messages of waste reduction at source and waste

recycling. Following the official opening, the CGS will regularly collect recyclables from the community, including electrical appliances, glass containers, compact fluorescent lamps and tubes, rechargeable batteries, waste paper, waste metal and waste plastics. In addition, it will organise large-scale green events from time to time, such as swap events for the exchange of reusable resources such as used clothing, books and other reusable items to encourage waste reduction at source.

The Tuen Mun CGS is the sixth CGS project commissioned. The other CGSs already in operation include the Sha Tin CGS, the Eastern CGS, the Kwun Tong CGS, the Yuen Long CGS and the Sham Shui Po CGS. All these projects are operating smoothly and have been well received by the local community. They are making good progress in providing support for waste reduction and recycling in the communities, and cumulatively the CGSs have collected over 3 000 tonnes of recyclables for delivery to suitable outlets for treatment. In addition, the operators of individual CGSs also organise various public educational events to promote the message of "use less, waste less" and to instill a green living culture in the community.

In addition, the EPD earlier awarded the service contract for the Kwai Tsing CGS, which commenced operation on November 1 this year. An open tendering exercise for two service contracts for the Tai Po CGS and Islands CGS is in progress and the contracts are expected to be awarded in the first half of 2019. Information on the latest progress of the CGS projects is available on the EPD website at [www.wastereduction.gov.hk/en/community/cgs\\_intro.htm](http://www.wastereduction.gov.hk/en/community/cgs_intro.htm). Members of the public can also learn more about CGS events organised through the dedicated Facebook pages of the individual CGSs.



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**[About 4 200 vacancies on offer at job fair for middle-aged and elderly](#)**



# employment

The Labour Department (LD) will hold a large-scale job fair at the Dragon Centre on November 15 and 16.

With the theme of "Middle-aged and Elderly Employment", the job fair aims to promote employment opportunities for mature job seekers. A total of 44 organisations, mainly from the retail, property management, transport and catering industries, will participate in the fair, offering about 4 200 vacancies. They will set up counters and conduct on-the-spot recruitment.

The vacancies offered cover a wide variety of positions including clerk, senior gardener, library assistant, sports and leisure attendant, patient care assistant, courier, shop assistant, security guard, driver, cook, waiter/waitress, and technician. Job seekers can find more information on the LD's Interactive Employment Service website ([www.jobs.gov.hk](http://www.jobs.gov.hk)).

Around 77 per cent of the vacancies are full-time jobs, most of which offer monthly salaries ranging from \$9,000 to \$18,000. The remaining 23 per cent of the vacancies are part-time jobs, with more flexible working hours. Over 99 per cent of the vacancies require a Secondary Six education level or below. Around 72 per cent are open to job seekers who may lack relevant work experience.

Job seekers can submit applications on the spot and may be selected for on-site interviews. They can also make enquiries on the employment programmes and services provided by the LD at its counter at the venue.

The job fair will be held from 11am to 5.30pm at Atrium, 1/F, Dragon Centre, 37 K, Yen Chow Street, Sham Shui Po (near Sham Shui Po MTR Station Exit C1). Admission is free.