

Sha Tin District Council
Minutes of the 5th Meeting of
the Traffic and Transport Committee in 2018

Date : 30 August 2018 (Thursday)
Time : 2:35 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Mr LI Sai-wing (Chairman)	DC Member	2:35 pm	10:03 pm
Mr YUNG Ming-chau, Michael (Vice-Chairman)	"	2:35 pm	10:03 pm
Mr HO Hau-cheung, SBS, MH	DC Chairman	2:35 pm	10:03 pm
Mr PANG Cheung-wai, Thomas, SBS, JP	DC Vice-Chairman	2:45 pm	7:59 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:35 pm	10:03 pm
Mr CHAN Kwok-keung, James	"	5:06 pm	7:59 pm
Ms CHAN Man-kuen	"	2:35 pm	10:03 pm
Mr CHAN Nok-hang	"	2:36 pm	10:03 pm
Mr CHING Cheung-ying, MH	"	4:12 pm	10:03 pm
Mr CHIU Chu-pong, Sunny	"	2:35 pm	7:59 pm
Mr CHIU Man-leong	"	2:35 pm	10:03 pm
Mr HUI Yui-yu, Rick	"	2:35 pm	7:59 pm
Mr LAI Tsz-yan	"	2:35 pm	9:22 pm
Ms LAM Chung-yan	"	2:35 pm	9:32 pm
Mr LEE Chi-Wing, Alvin, MH	"	2:35 pm	10:03 pm
Mr LEUNG Ka-fai, Victor	"	2:35 pm	7:59 pm
Mr LI Sai-hung	"	2:35 pm	10:03 pm
Mr LI Wing-shing, Wilson	"	2:35 pm	10:03 pm
Mr MAK Yun-pui	"	2:58 pm	8:00 pm
Mr NG Kam-hung	"	2:35 pm	7:59 pm
Mr PUN Kwok-shan, MH, JP	"	2:35 pm	8:23 pm
Mr SIU Hin-hong	"	2:35 pm	8:21 pm
Mr TING Tsz-yuen	"	2:35 pm	9:07 pm
Mr TONG Hok-leung	"	2:35 pm	7:59 pm
Ms TSANG So-lai	"	2:45 pm	9:33 pm
Ms TUNG Kin-lei	"	2:35 pm	10:03 pm
Mr WAI Hing-cheung	"	2:35 pm	10:03 pm
Mr WONG Fu-sang, Tiger	"	2:35 pm	10:03 pm
Mr WONG Hok-lai	"	2:35 pm	10:03 pm
Mr WONG Ka-wing, MH	"	2:35 pm	8:21 pm
Ms WONG Ping-fan, Iris	"	2:35 pm	10:03 pm
Mr WONG Yue-hon	"	2:35 pm	10:03 pm
Mr YAU Man-chun	"	2:35 pm	8:14 pm
Mr YIP Wing	"	2:35 pm	10:03 pm
Mr YIU Ka-chun, MH	"	2:35 pm	10:03 pm
Ms YUE Shin-man	"	2:35 pm	9:05 pm
Mr LEUNG Ho-yin, Roy (Secretary)	Executive Officer (District Council) 4, Sha Tin District Office		

In Attendance

Mr WONG Tin-pui, Simon
 Mr YUEN Chun-kit, Derek
 Mr HO Ming-yin, Jim
 Mr YAU Kung-yuen, Corwin
 Mr YIP Koon-keung, Ken
 Mr HU Yueming, Alan
 Mr LIU Chi-kwong

Mr YUEN Sze-chun
 Mr CHOW Siu-ye
 Ms MA Bui-chee, Judy

Mr LAM Chi-chung

Mr LI Shuet-hang

Mr LO Tit-kau, Terry

Ms CHUNG Pui-yi

Title

Assistant District Officer (Sha Tin) (1)
 Senior Executive Officer (District Council), Sha Tin District Office
 Senior Transport Officer/Shatin, Transport Department
 Senior Transport Officer/Ma On Shan, Transport Department
 Senior Engineer/Shatin, Transport Department
 Engineer/Shatin 2, Transport Department
 District Engineer/Shatin (2)/New Territories Region,
 Highways Department
 Administrative Assistant/Lands, District Lands Office (Sha Tin)
 Housing Manager (Tai Po, North and Shatin) 4, Housing Department
 District Operations Officer (Shatin District) (Acting),
 Hong Kong Police Force
 Officer-in-Charge, District Traffic Team, Sha Tin Police District,
 Hong Kong Police Force
 Senior Officer (Planning and Development),
 The Kowloon Motor Bus Company (1933) Limited
 Assistant Manager (Operations),
 The Kowloon Motor Bus Company (1933) Limited
 Senior Public Affairs Officer,
 New World First Bus Services Limited and Citybus Limited

In Attendance by Invitation

Mr MAK Ting-pong
 Mr YIU Chiu-chung
 Mr LEUNG Ho-kwun
 Mr WAN Che-wing, Wilson
 Mr LI Kwok-leung
 Mr HO Wai-yip

Mr CHU Ka-fai, John

Mr WONG Kwok-leung
 Mr LOK Yu-fat
 Mr Franco KWONG
 Mr Peter PANG
 Mr Richard TSUI
 Mr WONG Wing-kin, Terry
 Ms Alice LO

Mr Sean LEUNG

Mr Martin CHEUNG
 Mr Simon CHAN
 Mr CHOI Chi-keong

Title

Senior Engineer/Shatin to Central Link (1), Highways Department
 Senior Engineer 2/Universal Accessibility, Highways Departments
 Engineer 2/Universal Accessibility, Highways Departments
 Chief Structural Engineer/Kowloon and Rail, Buildings Department
 Senior Structural Engineer/Rail 1, Buildings Department
 Senior Engineer/Railways 5,
 Electrical and Mechanical Services Department
 Senior Engineer/Railways 8,
 Electrical and Mechanical Services Department
 Senior Engineer 4/Transport Planning, Transport Department
 Senior Engineer 10/Transport Planning, Transport Department
 Project Communications Manager, MTR Corporation Limited
 Construction Manager - SCL Civil, MTR Corporation Limited
 Senior Coordination Engineer, MTR Corporation Limited
 General Manager – Infrastructure Maintenance, MTR Corporation Limited
 Senior Manager (Projects and Property Communications),
 MTR Corporation Limited
 Assistant Public Relations Manager – External Affairs,
 MTR Corporation Limited
 Deputy Managing Director, Mannings (Asia) Consultants Limited
 Associate Director (Engineer), Mannings (Asia) Consultants Limited
 Registered building professional (representative of the developer)

Absent

Mr CHENG Tsuk-man
 Mr MOK Kam-kwai, BBS
 Ms PONG Scarlett Oi-lan,
 BBS, JP

Title

DC Member	(Application for leave of absence received)
”	(”)
”	(”)

The Chairman informed the meeting that some people observing the meeting were taking photos, videos and sound recordings at the venue.

Applications for Leave of Absence

2. The Chairman said that the Secretariat had received the applications for leave of absence in writing from the following members:

Mr CHENG Tsuk-man	Official commitment
Ms Scarlett PONG	”
Mr CHING Cheung-ying	Other reasons
Mr MOK Kam-kwai	Sickness

(Note: Mr CHING Cheung-ying joined the meeting at 4:12 pm.)

3. The Traffic and Transport Committee (TTC) approved the applications for leave of absence submitted by the members above.

Confirmation of the Minutes of the Meeting Held on 28 June 2018

(TTC Minutes 5/2018)

4. Members unanimously confirmed the above minutes of the meeting.

Matters Arising

Responses of Government Departments and Organisations to Matters Arising from the Previous Meeting

(Paper No. TT 56/2018)

5. Members noted the above paper.

Discussion Items

Meeting Schedule of the Committee for 2019

(Paper No. TT 57/2018)

6. Members unanimously endorsed the above paper.

Discussion on the Subsidence of the Shatin to Central Link Project

(Paper No. TT 58/2018)

7. The Chairman welcomed representatives of the Buildings Department (BD), the Highways Department (HyD) and the MTR Corporation Limited (MTRCL) to the meeting.

8. Mr Michael YUNG said that as far as he knew, relevant government departments and the MTRCL would give an account to the Legislative Council (LegCo) of the subsidence along the Shatin to Central Link (SCL) Project. And there should be relevant papers. However, as of this meeting, members had only received a written response from the BD. He asked whether the Secretariat had solicited written

responses from other government departments and the MTRCL prior to the meeting.

9. Mr Roy LEUNG, Executive Officer (District Council) 4 of the Sha Tin District Office (STDO) gave a consolidated response as follows:

- (a) after the Chairman had decided to add this item to the agenda, the Secretariat sent an email of invitation to relevant government departments and agencies on 15 August. It was mentioned that they could submit papers to members for reference through the Secretariat in advance; and
- (b) the invited departments later replied. The Transport and Housing Bureau (THB) said that representatives of the HyD would attend the meeting. The Transport Department (TD) said that its representatives would not be present since the subsidence along the SCL Project was beyond its purview. The Electrical and Mechanical Services Department (EMSD) also declined the invitation, saying that it was not involved in the Project for the time being. Therefore, only the HyD, the BD and the MTRCL had promised to attend the meeting. And only the BD had submitted a paper to the Secretariat before the meeting. Upon the receipt, the Secretariat had collated the information and sent it to members as promptly as possible.

10. The views of the Chairman were summarised below:

- (a) the Secretariat had actively fulfilled its responsibilities. He reminded all government departments that the Sha Tin District Council (STDC) represented members of the public and was not an ordinary organisation. He hoped that government departments would respect the STDC; and
- (b) the agenda included a question to be raised by Mr TONG Hok-leung on the subsidence at the MTR Tai Wai Station. Since the two items were quite similar, he suggested combining them for discussion in order to save time. He asked the member asking the question and other members whether they agreed.

11. Mr TONG Hok-leung agreed to the Chairman's suggestion.

12. Mr LI Sai-hung objected to the suggestion. He opined that the subsidence along the SCL Project was different from that at Tai Wai Station. He suggested that the two agenda items be handled separately.

13. The Chairman accepted Mr LI Sai-hung's views and asked representatives of the government departments and the MTRCL to speak first.

14. Mr MAK Ting-pong, Senior Engineer/Shatin to Central Link (1) of the HyD said that the Government was preparing a paper for the LegCo, with an account of the subsidence along the SCL Project. For the sake of consistency, the HyD would refer to relevant information and submit a paper to the TTC as soon as possible.

(Post-meeting Note: The HyD and the MTRCL submitted supplementary information to the TTC on the day following the meeting.)

15. Mr Peter PANG, Construction Manager - SCL Civil of the MTRCL gave a consolidated response as follows:

- (a) before the commencement of the SCL Project in August 2012, the MTRCL had developed three phases concerning buildings, pipelines and roads, with prescribed subsidence levels for alerts, actions and warnings, which had been approved by relevant government departments. The MTRCL had installed more than 300 settlement monitoring points (SMPs) in Sha Tin and monitored the situation on a regular basis;
- (b) the Ma On Shan Rail (MOS), which was the first part of the SCL Shatin Section, had been constructed with reserved platforms for eight-compartment trains, which had earlier been deployed in place of the four-compartment ones and had been working well. No foundation or excavation works were required for the MOS Rail of the SCL Project. And the foundation works of the elevated section of Wu Kai Sha Station had been carried out from Q3 of 2013 to mid-2014. A total of 74 SMPs had been installed along the MOS Rail from Tai Wai to Wu Kai Sha. And no subsidence warning had been triggered at any point during the SCL Project;
- (c) the second part of the SCL Shatin Section involved the connection to Hin Keng Station, which was an at-grade station; therefore no major excavation works were required. Related engineering works had been conducted between Q3 of 2013 and 2017. The installation of electrical and mechanical facilities was currently underway. A total of 137 SMPs had been installed near the Hin Keng Station. And no exceedances had been recorded during the Project; and
- (d) the third part of the SCL Shatin Section involved the tunnel connecting the Lion Rock, opposite Hin Keng Estate. Excavation works had commenced in Q4 of 2013 and had been substantially completed in Q4 of 2015. A total of 138 SMPs had been installed in the area. Warnings had been triggered at three points, at the gas mains at the entrance of Beacon Hill Tunnel and the exit of the SCL near Hin Kwai House, respectively. The subsidence limit for the three SMPs was 15mm, but the highest figures recorded were 18.6mm, 18.7mm and 20.7mm, respectively. The MTRCL maintained close contact and shared data with the Hong Kong and China Gas Company Limited (Gas Company). They had held several meetings for exchange of information. It was confirmed that the subsidence did not pose a safety threat to gas supply. Overall, the subsidence along the SCL in Sha Tin did not affect nearby buildings.

16. Mr Wilson WAN, Chief Structural Engineer/Kowloon and Rail of the BD said that the BD was concerned about the impact of the subsidence along the SCL Project on the safety of private buildings in the District. The SCL Shatin Section was located

on government land. Therefore, the Project was not regulated by the Buildings Ordinance. However, if the subsidence affected the safety of private buildings, the BD would conduct immediate inspections to ensure safety. Since 1 January 2016, the BD had not received any reports of building safety risks caused by the subsidence along the SCL Shatin Section.

17. The views of Mr Michael YUNG were summarised below:

- (a) he had not learned about the subsidence problem concerning the gas facilities next to Hin Keng Station until he read the LegCo paper. He opined that the MTRCL gave an account only because the problem had been exposed. Since a paper had been prepared by representatives of the MTRCL, he wondered why it had not been submitted to the TTC before the meeting. And he asked whether representatives of the MTRCL could submit the paper as supplementary information to the TTC after the meeting;
- (b) since government departments had not submitted related papers, members might not be able to raise questions effectively at this meeting. He might submit his question to the full Council in order to enquire of government departments about the subsidence along the SCL Project again;
- (c) he enquired about the actual locations of the three SMPs where exceedances were recorded. He asked whether the MTRCL had investigated whether there was subsidence in any other places in Hin Keng Estate. And he asked what should be done if the Project caused damages to public facilities within the estate;
- (d) he asked whether the EMSD had checked whether there was any problem with the gas supply of relevant gas facilities;
- (e) the LegCo paper did not provide any information on the subsidence at Tai Wai Station. He enquired about the problems occurring at the relevant site of the development project, about the number of SMPs with exceedances, and about the number of piles affected. He also asked whether relevant departments had received any remedial proposal from the developer. And if yes, he wondered whether the remedial proposal was being reviewed or whether no decision would be made until after the LegCo meeting. The development project involved community facilities, and any delay would cause inconvenience to the residents. He hoped that the Administration would provide more information; and
- (f) at the meeting of the Wan Chai District Council, the HyD and the MTRCL had submitted detailed papers and briefings when responding to relevant questions. He did not understand why they did not do the same at this meeting.

18. Mr TONG Hok-leung had submitted a question on the subsidence at Tai Wai Station, but relevant departments failed to provide detailed information or data in their responses. He had learned from the LegCo that the subsidence along the SCL Project was very serious. Exceedances were recorded at 131 SMPs, and eight out of ten stations had problems. The situation is worrying. He enquired of the Government about possible countermeasures. And he hoped that the Government would take the matter seriously and disclose more information.

19. The views of Ms LAM Chung-yan were summarised below:

- (a) she could only learn about the subsidence at Hin Keng Estate from media information. The SCL Liaison Group had not convened any meeting since last February. She opined that the MTRCL did not respect the residents of Hin Keng Estate. She asked the Administration to provide an update on the subsidence at the gas facilities in Hin Keng Estate, as well as on related remedies; and
- (b) existing data showed that the subsidence in April 2018 had not been disclosed until now, which was irresponsible. With subsidence cases occurring in multiple parts across the territory, the Government did not address public concerns or take the initiative to disclose information. She wondered how the Administration would explain to the public.

20. The views of Mr YIU Ka-chun were summarised below:

- (a) based on the BD's response and the fact that the other departments did not provide responses, it could be seen that neither the Government nor the MTRCL respected the STDC. Members had access to some information based on media reports, only because government departments and the MTRCL were about to explain the incident to the LegCo. The current situation was very worrying for the residents. Since the problem occurred, he wondered why the Administration had not given an account to the public in an open and honest manner earlier. The Administration's approach to the incident had caused a serious loss of public confidence in the SCL;
- (b) the Government and the MTRCL should disclose subsidence data concerning the MOS Rail and other railway projects underway;
- (c) government departments should coordinate their monitoring mechanisms. Although the BD had not received relevant reports, it should have taken the initiative to investigate relevant subsidence cases instead of waiting for the MTRCL's notification; and
- (d) the THB had responsibilities to bear in the incident.

21. The views of Mr LI Sai-hung were summarised below:

- (a) he hoped that the Administration would provide detailed information of housing estates where gas mains were affected by the SCL Project;

- (b) he hoped that the Government and the MTRCL could explain to the public the causes for the subsidence in an open and honest manner; and
- (c) as far as he knew, the SCL To Kwa Wan Section had been realigned before commencement of related works, going through places with porous soil as a result. He asked whether the subsidence along the SCL To Kwa Wan Section was related to the realignment. He hoped that the Government and the MTRCL would explain to the public the causes for the subsidence along the SCL Shatin Section.

22. The views of Mr HO Hau-cheung were summarised below:

- (a) the subsidence at Tai Wai Station happened in early July. Relevant government departments, the MTRCL and the developer had taken emergency measures. As far as he knew, the subsidence had been increased by 2mm when the BD, the MTRCL and the developer were discussing a remedial plan. That, together with the subsidence along the SCL Project, caused great pressure to Sha Tin; and
- (b) he opined that the BD's response was not detailed enough. The STDC would persevere in seeking the truth of any matters Sha Tin residents were concerned about. He would consider Mr Michael YUNG's suggestion of submitting the matter to the full Council, based on the current discussion and the urgency of the matter, in line with the Sha Tin District Council Standing Orders ("the Standing Orders"). He hoped that relevant government departments would actively respond to members' questions and concerns.

23. Mr Victor LEUNG opined that the MTRCL had always been known for its quality management and service, safety and efficiency. However, a series of incidents have caused a serious loss of public confidence in the company. And even the top management of the MTRCL were playing games with the media and the public. With such a big problem, the Administration should set up a joint team to find a solution. He opined that relevant government departments and the MTRCL provided too little information. He asked the Administration to provide more information and proposals in order to allay public concerns.

24. The views of Ms Iris WONG were summarised below:

- (a) she asked when the SMPs along the SCL Shatin Section had been set up. And she asked whether the existing data of subsidence was one-off or accumulative, given the fact that the SCL had been under construction for a long time;
- (b) she enquired about the actual degree of subsidence since the installation of the SMPs and asked whether it had reached the warning level;

- (c) she asked whether existing data had been reported by the MTRCL or detected by government departments on their own; and
- (d) there had been frequent property development projects along the MOS Rail. And the subsidence at Tai Wai Station had led to the suspension of a development project. He hoped that the MTRCL would proactively disclose whether those development projects had affected the railway. Responsible government departments should monitor related matter proactively and report to the STDC on a regular basis.

25. The views of Mr NG Kam-hung were summarised below:

- (a) the BD's and the MTRCL's responses lacked documentary information;
- (b) the Administration said that an exceedance of subsidence criteria did not mean any risk with respect to structural safety. In that case, he asked the Administration to explain the significance of related data;
- (c) the exceedances at the three SMPs at Hin Keng Station were all recorded at gas mains, which was unusual;
- (d) with multiple subsidence cases occurring, he wondered whether there were errors in the design of the SCL;
- (e) an SCL-related paper had shown that the relevant section would cover a fault zone and a stone line. And the current location in question was located at a tunnel entrance along the relevant section. He opined that government departments had been aware of the situation well beforehand. He hoped that the Administration and the MTRCL would provide an explanation;
- (f) the BD said that the relevant area was not regulated by the Buildings Ordinance. He asked what role the BD played;
- (g) he hoped that the Administration and the MTRCL would respond to members' questions one by one. And he suggested the discussion continue at the full Council meeting; and
- (h) he enquired about details of the HyD's and the MTRCL's current notification mechanisms.

26. The views of Ms TUNG Kin-lei were summarised below:

- (a) the BD had submitted a sketchy paper and did not explain at this meeting the impact of the subsidence along the SCL Project on private buildings;
- (b) after the incident was exposed, the MTRCL had been "drip-feeding" information on the SMPs and other aspects, which seemed to be neither complete nor accurate. She would like to condemn the

MTRCL for that; and

- (c) the Government should urge the MTRCL to take responsibility for ensuring the safety of buildings and facilities near the SCL Project and should conduct a comprehensive investigation into whether the incident involved illegal activities.

27. The views of Mr WAI Hing-cheung were summarised below:

- (a) due to the severity of the incident, he suggested that the matter be discussed at a special meeting or a full Council meeting;
- (b) the HyD had submitted a sketchy paper. It had promised to submit a detailed paper to the LegCo but not to the STDC. He opined that the HyD did not respect the STDC; and
- (c) the public had lost confidence in the MTRCL.

28. The views of Mr TING Tsz-yuen were summarised below:

- (a) the HyD had submitted a paper to the LegCo but not to the STDC. He asked the HyD to review the practice of releasing papers; and
- (b) he asked whether the subsidence at Tai Wai Station was related to the foundation works. He said that any suspension would delay the construction of community facilities. He wondered whether related works could resume upon strengthening.

29. The views of Mr Thomas PANG were summarised below:

- (a) the response and papers submitted by relevant government departments were sketchy. And the MTRCL failed to give a full account of the incident;
- (b) there were 15 stations along the SCL Shatin Section. He asked how many SMPs there were;
- (c) he suggested setting up a working group and requested that relevant government departments and the MTRCL report to the STDC on the subsidence data at the 15 stations along the SCL Shatin Section on a regular basis;
- (d) the Sha Tin District had a population of 700 000 accounting for one-tenth of the territory's total. And there were 15 stations along the SCL Shatin Section. He opined that there should be STDC representative(s) in the MTRCL's Board of Directors; and
- (e) the STDC should write to the Chief Executive or the Chief Secretary for Administration making a request for participation in the follow-up on the incident.

30. The views of Mr WONG Hok-lai were summarised below:

- (a) the STDC represented the 700,000 residents in Sha Tin District. Although the Administration was about to explain the incident to the LegCo, it should have submitted a paper to the STDC as well since its representatives were present at the STDC meeting. He opined that the STDC was not respected;
- (b) exceedances were recorded at SMPs near Hin Keng Estate, but relevant departments said it was okay. In that case, he questioned the purpose of the subsidence data;
- (c) he wondered how the Government could effectively monitor MTRCL projects if they were not regulated by the Buildings Ordinance. The subsidence cases at multiple locations along the SCL Project had been mostly exposed by the media, resulting in great concerns about public safety and possible delay in the opening date; and
- (d) the public had lost confidence in the MTRCL. He hoped that bus companies would enhance their services.

31. The views of Mr Rick HUI were summarised below:

- (a) he expected the Government and the MTRCL to submit detailed information and to provide supplementary responses to members' questions at the meeting. However, the Government and the MTRCL had been instead acting in an irresponsible manner. The Chairman should consider issuing reprimand letters to relevant government departments and the MTRCL;
- (b) he asked whether the subsidence at the SMPs at Tai Wai Station had deteriorated. He also asked when the developer and the MTRCL would complete the investigation of the causes for the subsidence and submit a related report; and
- (c) according to media reports, the BD would only inspect whether the affected buildings were tilted or had cracks. However, he wondered whether a building with vertical subsidence was safe even if it was not tilted and had no cracks. He hoped that the BD would explain.

32. The views of Mr LAI Tsz-yan were summarised below:

- (a) the Administration failed to give an account of the causes for, impact of or remedies for the subsidence. He opined that the Government and the MTRCL should be condemned for their performance; and
- (b) the Government could not allay public concerns unless it released public information in a truthful manner.

33. The views of Mr Wilson LI were summarised below:

- (a) the responses from the Government and the MTRCL were disappointing. The incident had brought the MTRCL and even the engineering community into disrepute. He hoped that the Administration would properly handle the Project in an open and honest manner. Since the Project involved territory-wide traffic, he agreed that the matter should be discussed at the full Council meeting;
- (b) he hoped that the Administration would provide information on the more than 300 SMPs along the MOS Rail in order to monitor whether there were more severe subsidence cases;
- (c) he hoped that the MTRCL would provide information on the SMPs at Wu Kai Sha Station;
- (d) three of the 137 SMPs at Hin Keng Station had recorded exceedances of 15 mm, with a maximum record of over 20mm. He wondered whether it would affect the safety of nearby gas facilities;
- (e) it was reported that exceedances of 20mm had been recorded at two SMPs at Tai Wai Station. He enquired about the specific information and data of the subsidence; and
- (f) if the Government disclosed subsidence information in a truthful manner, it would help allay public concerns.

34. The views of Mr Tiger WONG were summarised below:

- (a) he had not known that a project on government land was not regulated by the Buildings Ordinance and the BD would not monitor it proactively. Instead, the MTRCL was relied upon for related monitoring and disclosure. He opined that the Government should at least ensure a sound mechanism of monitoring and notification on the MTRCL's part; and
- (b) he asked whether the Government monitored MTRCL's remedial and maintenance work relating to the subsidence.

35. The views of Mr YAU Man-chun were summarised below:

- (a) the responses from government departments were sketchy, which showed the Government's disrespect of the STDC;
- (b) the MTRCL's subsidence limit was stricter than that in the Buildings Ordinance. He wondered whether it meant the current subsidence was acceptable; and
- (c) the monitoring role of the THB could not be ignored. And the incident reflected the ineffectiveness of the monitoring and accountability mechanism. He asked the THB representatives to be present at the full

Council meeting for response.

36. The views of Mr PUN Kwok-shan were summarised below:

- (a) the BD and MTRCL should provide more information and data on building and tunnel structures, geotechnical matters and other aspects, for the sake of discussion;
- (b) the Administration should inspect buildings and structures along the SCL Shatin Section; and
- (c) the coverage of existing SMPs was inadequate. The Administration should install more SMPs at public facilities such as Sha Tin Water Treatment Works and the “Octopus” Footbridge.

37. Mr MAK Yun-pui said that neither the relevant government departments nor the MTRCL had submitted papers to the STDC and had failed to proactively explain the subsidence problem.

38. The views of Mr Sunny CHIU were summarised below:

- (a) the information submitted by relevant government departments and the MTRCL was inadequate;
- (b) the BD responded that the MTRCL’s technical standards were no lower than stipulations in the Buildings Ordinance. Now that the subsidence problem had occurred, he wondered whether it meant that the related limit had been exceeded. The BD said that it had not received any reports of building safety. He wondered why most engineering problems were exposed instead of being proactively notified. And he asked whether the THB, the BD and the EMSD had taken the initiative to monitor the matter; and
- (c) he asked the EMSD to explain whether the subsidence at the gas facilities at Hin Keng Station would affect the nearby land and residents, or else the safety of Tai Wai Station and the SCL in future.

39. The views of Mr WONG Ka-wing were summarised below:

- (a) he asked whether the MTRCL had installed SMPs at stations along the SCL;
- (b) he asked to which government departments the contractor would report subsidence data from the SMPs during the Project; and
- (c) he opined that the Government and the MTRCL should regularly publish subsidence data and remedies in order to allay residents’ concerns.

40. The views of Mr WONG Yue-hon were summarised below:

- (a) he wondered whether the present representatives of government departments could clearly state that the current subsidence would not affect safety and specify the responsibility in case of any accident;
- (b) he asked whether the opening of the SCL would be delayed and who would be held responsible if that should happen. He opined that the Government should never be asked to deal with the aftermath again; and
- (c) he enquired about possible remedies for the subsidence.

41. The views of Mr CHAN Nok-hang were summarised below:

- (a) it was unacceptable for the MTRCL to “drip-feed” information on the incident;
- (b) the information submitted by the Administration was inadequate; and
- (c) he expressed disappointment with the SCL Project and concern about its safety.

42. The Chairman asked members to note that Mr CHING Cheung-ying arrived at the meeting.

43. Mr CHING Cheung-ying enquired of relevant government departments, the MTRCL and the developer about their remedies for the subsidence and their arrangements for resumption of works at Tai Wai Station, which involved community facilities. Therefore he did not want to see any delay and hoped that various departments should work together for remedies.

44. The views of Mr CHIU Man-leong were summarised below:

- (a) the HyD could allay public concerns only by publishing the data, causes and remedies of the subsidence; and
- (b) representatives of the relevant government department and the MTRCL provided a lot of information at the meeting. He did not understand why they had not submitted related papers beforehand.

45. The views of the Chairman were summarised below:

- (a) relevant government departments had prepared a paper for the LegCo, with an account of the incident. He wondered why they could not submit the same to the STDC. DC Members were representatives elected by voters. He hoped that government departments respected District Councils;

- (b) a paper of the Kowloon City District Council showed that the China Light and Power Company Limited (CLP) had provided a response regarding its cables affected by the subsidence. At present, the subsidence at Hin Keng Station affected gas facilities. He asked whether relevant government departments had requested a response from Gas Company in order to allay residents' concerns; and
- (c) he asked relevant government departments and the MTRCL to submit supplementary information to the STDC within the week.

46. The Chairman left the conference room temporarily due to other commitments and the Vice-Chairman took the chair for the time being.

47. Mr Franco KWONG, Project Communications Manager of the MTRCL gave a consolidated response as follows:

- (a) the MTRCL took safety as its primary consideration and had regularly notified the subsidence data to relevant government departments during the Project. The MTRCL and the Government were studying a better notification mechanism, so that relevant stakeholders would be notified as soon as a certain subsidence limit was exceeded; and
- (b) the papers provided at the meeting were slightly lacking and the MTRCL would provide written information to the STDC as soon as possible. The SCL had involved more than 9 000 SMPs and the MTRCL expected to provide more information to the STDC as soon as possible.

MTRCL

48. Mr Peter PANG gave a consolidated response as follows:

- (a) there were 28 SMPs near the MOS Rail Wu Kai Sha Station. None of them had recorded exceedances. The MTRCL would collate related data and then send the same to members; and
- (b) the three SMPs with exceedances were located at the nearby tunnel entrance. And any excavation works would inevitably lead to subsidence of the soil nearby. The subsidence limit was usually 25mm, but the MTRCL adopted a more stringent limit of 15 mm. While the subsidence at Hin Keng Station reached the highest warning level, it was in fact only 20mm. The MTRCL would inform Gas Company of the subsidence data and submit a report to relevant government departments for review. The MTR contractor had filled the recharge wells near the three SMPs with exceedances in order to raise the groundwater level and stabilise the situation. The related subsidence data had remained stable since April this year and the situation was safe.

49. Mr MAK Ting-pong gave a consolidated response as follows:

- (a) the Hin Keng Station project was located on government land and therefore was not regulated by the Buildings Ordinance. However, the

Government had issued the Instrument of Compliance to the MTRCL when entrusting it with the Project, requesting the MTRCL to engage professionals to develop an appropriate construction proposal and to ensure the safety of nearby buildings and facilities during the construction. Making reference to the BD's Practice Notes, the MTRCL had established a monitoring mechanism with three-tier triggering, with the third tier as the highest level. It had also installed SMPs at different locations, with constant monitoring of subsidence during the construction. Besides, the MTRCL submitted subsidence data to relevant government departments on a regular basis. And it would take pre-set actions and remedies as appropriate;

- (b) the Government understood public concerns about the subsidence problem. It was working with the MTRCL to develop a new notification mechanism in order to disseminate relevant information more effectively. Due to the large number of SMPs and the complex data involved, it was necessary to compile related information in a comprehensive and comprehensible manner before it was released, so as to avoid unnecessary misunderstandings and doubts. The Government would continue to discuss with the MTRCL and would inform the public, the LegCo and the District Councils as soon as possible;
- (c) some Members requested that the latest developments and remedial measures be reported to the SCL Liaison Group. The Government would solicit follow-up information from the MTRCL; and
- (d) the Government would consider the responsibilities and costs of remedial measures on a case-by-case basis. The contractor had a monitoring mechanism of its own even before construction. And it would take remedial measures in view of the situation. Subsidence involved different factors, which the Government and the MTRCL would study closely to determine the division of responsibilities and costs.

50. Mr Wilson WAN gave a consolidated response as follows:

- (a) as regards the latest developments of the subsidence incident at Tai Wai Station, the BD would provide a detailed response for the relevant item on the agenda; and
- (b) the BD monitored the planning and construction of buildings and related works on private land in accordance with the Buildings Ordinance, so as to ensure compliance with safety standards. The SCL Shatin Section was not regulated by the Buildings Ordinance since it was located on government land. But the BD would ensure the safety of nearby private buildings. The BD would initiate investigation as soon as it received any reports of building safety, whether the same was caused by ageing or construction works.

51. Mr HO Wai-yip, Senior Engineer/Railways 5 of the EMSD gave a consolidated response as follows:

- (a) the EMSD was responsible for regulating the operational safety of the railway system. And it had no role in the SCL for the time being since the Project was still under construction. The EMSD would monitor the operational safety of the SCL after its opening; and
- (b) as regards the affected gas mains, gas safety was monitored by another section of the EMSD, which did not deploy a representative to this meeting. He promised to convey Members' concerns to relevant staff and to provide the Secretariat with a written response after the meeting.

EMSD

52. The Chairman returned to the conference room.

53. The Chairman asked Members whether they agreed to handle the provisional motion moved by Ms TUNG Kin-lei.

54. Members agreed to discuss the provisional motion moved by Ms TUNG Kin-lei.

55. Ms TUNG Kin-lei moved the provisional motion below:

“The subsidence of MTR Tai Wai Station, Hin Keng Station and several stations of the Shatin to Central Link (SCL) has aroused public concern. The Government and the MTR Corporation Limited (MTRCL) disclose relevant information in a manner like “squeezing toothpaste out of a tube” and disregard the public’s right to information. The Traffic and Transport Committee of the Sha Tin District Council is furious about the incident and strongly condemns it. The Committee requests the Government to:

- (1) disclose the data of monitoring points of all MTR Stations in the Sha Tin District over the past five years;
- (2) take effective measures to ensure the structural safety of platforms, the smoothness of tracks, and the safety of passengers and train services;
- (3) jointly submit reports to the Sha Tin District Council with the MTRCL regularly, allowing the District Council and the public to oversee the MTRCL’s handling of the subsidence of stations.”

Ms LAM Chung-yan seconded the motion.

56. The views of Mr Thomas PANG were summarised below:

- (a) the motion requested government departments and the MTRCL to submit regular reports, which would be infeasible under the current practice. He suggested that the STDC set up a working group to monitor the MTRCL as a notification mechanism, and that representatives of the MTRCL and relevant government departments

be asked to join the working group; and

- (b) as relevant government departments and the MTRCL had failed to provide adequate papers and there were many items on the agenda of this meeting, he suggested that the Chairman call a special meeting later to continue discussing the incident.

57. The views of Mr Michael YUNG were summarised below:

- (a) point (1) of the motion should include all SMPs along the SCL Shatin Section, instead of just MTR stations;
- (b) point (2) of the motion only mentioned platforms and rails, but the safety of railway should also include that of overhead cables;
- (c) the paper to be submitted by the Administration to the LegCo would cover not only the subsidence at stations, but also affected properties and gas facilities. Therefore, he opined that Point (3) of the motion should include other items affected by the Project;
- (d) if a working group was to be set up, it would certainly be a non-standing one, with a ceiling on the number of its members and on its term of office. He opined that the Project might not be completed before the District Council Election next year and that therefore a non-standing working group might not be feasible; and
- (e) as regards the request that MTRCL submit supplementary information, he opined that it was necessary to specify and determine the related follow-up in order to show the STDC's concern about the incident.

58. Mr LI Sai-hung disagreed with the establishment of a working group and opined that the results would not be satisfactory. He opined that the motion should call for the LegCo to invoke the Legislative Council (Powers and Privileges) Ordinance (the "P&P Ordinance") to investigate the SCL incident and the MTRCL.

59. The views of Mr TING Tsz-yuen were summarised below:

- (a) "is furious" in the motion should be changed to "expresses regret"; and
- (b) he disagreed with the establishment of a working group. If the Administration did not submit the related paper to the TTC, he did not believe that it would not submit the same to the working group. He opined that it would be more effective to hold a special meeting to discuss the incident.

60. The views of Mr Wilson LI were summarised below:

- (a) he agreed that the LegCo should be asked to invoke the P&P Ordinance to investigate the incident;

- (b) “Data of all monitoring stations” in the motion should be changed to “monitoring points or data”. Related SMPs should include all those along the SCL, while related data should be traced back to 2012, when the SCL Project commenced; and
- (c) the regular reports mentioned in the motion should be recurrent and frequent.

61. The views of Mr HO Hau-cheung were summarised below:

- (a) relevant government departments and the MTRCL should submit supplementary information as soon as possible as a basis for further discussion;
- (b) the agenda of the full Council meeting included the visit of the Commissioner for Transport. Therefore there might not be enough time for discussion on the SCL incident. He suggested that a special meeting be held after the District Facilities Management Committee (DFMC) meeting on 4 September; and
- (c) the working group was not necessarily non-standing. As far as SCL-related problems persisted, and residents were concerned, the STDC could set up a standing working group to last until the term of this STDC expired. He opined that it was not necessary to decide at this meeting whether to set up a working group and that related discussion could be conducted at the special meeting.

62. Mr Billy CHAN agreed with calling for the LegCo to invoke the P&P Ordinance to investigate the MTRCL in the motion. And he opined that setting up a working group would not be effective.

63. Mr Thomas PANG opined that since members criticised the MTRCL for not submitting adequate papers and for not respecting the STDC, setting up a working group would exactly oblige the MTRCL to report to the STDC on a regular basis, instead of passing the responsibility to the LegCo.

64. The views of Mr Sunny CHIU were summarised below:

- (a) he agreed with the establishment of a working group and with continued cooperation with the MTRCL to address SCL-related problems; and
- (b) he agreed with the motion calling for the LegCo to invoke the P&P Ordinance to investigate the incident. And he opined that it could be done concurrently with the establishment of the working group.

65. Mr LI Sai-hung opined that calling for the LegCo to invoke the P&P Ordinance to investigate the incident could be done concurrently with the establishment of the working group, in order to meet the demands of different parties.

66. The views of Mr Wilson LI were summarised below:

- (a) any monitoring mechanism should be utilised. Therefore, he kept an open mind on invoking the P&P Ordinance and establishing a working group; and
- (b) he hoped that relevant government departments would give an account of the causes for the subsidence at Tai Wai Station and provide the related investigation results.

67. Mr Thomas PANG opined that the STDC should be no inferior to other councils. Therefore, he insisted that relevant government departments and the MTRCL should report to the STDC on a regular basis. He pointed out that the provisional motion was satisfactory and that the STDC should not pass the responsibility to others.

68. Mr CHAN Nok-hang pointed out that under the TTC there was a Working Group on Development of Major Transport Infrastructures and Cycle Network. He asked whether relevant government departments and the MTRCL had reported to the working group on the SCL Project. And he asked how to ensure the Administration's reporting to the proposed working group.

69. Mr Rick HUI agreed that the STDC should be no inferior to other councils. Therefore he opined that the motion should call for the LegCo to invoke the P&P Ordinance to investigate the subsidence problem along the SCL Project.

70. Mr LI Sai-hung opined that opposing the invocation of the P&P Ordinance to investigate the incident would deprive the public of their right to know.

71. The views of the Chairman were summarised below:

- (a) members should advise the original mover but not other members on the provisional motion; and
- (b) he declared the meeting suspended for five minutes for members' discussion.

72. Ms TUNG Kin-lei accepted members' suggestions and amended her provisional motion as follows:

“The subsidence of MTR Tai Wai Station, Hin Keng Station and several stations of the Shatin to Central Link (SCL) has aroused public concern. The Government and the MTR Corporation Limited (MTRCL) disclose relevant information in a manner like “squeezing toothpaste out of a tube” and disregard the public's right to information. The Traffic and Transport Committee of the Sha Tin District Council is furious about the incident and strongly condemns it. The Committee requests the Government to:

- (1) disclose the monitoring data of all monitoring stations of the SCL (Shatin Section) Project recorded since the commencement of the project;

- (2) take effective measures to ensure the structural safety of platforms, the smoothness of tracks, and the safety of passengers and train services;
- (3) jointly submit reports to the Sha Tin District Council with the MTRCL regularly, allowing the District Council and the public to oversee the MTRCL's handling of the subsidence of stations.”

Ms LAM Chung-yan seconded the motion.

73. The Chairman asked members whether they agreed to endorse the provisional motion in paragraph 72.

74. Ms LAM Chung-yan requested an open ballot and four members present supported the request.

75. The Chairman announced that there were 33 affirmative votes, 0 dissenting votes, 0 abstention votes and 2 members did not vote.

76. Mr HO Hau-cheung and Mr CHING Cheung-ying both said that they had voted in favour, but the voting system showed that they had not cast their ballots.

77. The Chairman asked members whether they agreed to have a re-vote.

78. The views of Mr MAK Yun-pui were summarised below:

- (a) he disagreed with a re-vote and opined that the voting intentions of those two members could be simply recorded upon their confirmation; and
- (b) the Secretariat should check the electronic voting system to ensure its proper functioning.

79. Mr Michael YUNG opined that there was no review mechanism in the electronic voting system. He suggested that the matter be reviewed at the relevant committee and be followed up on by the Secretariat.

80. Mr Thomas PANG hoped that members did not press the voting button until the voting screen appeared in the system; otherwise there would be technical problems.

81. Mr James CHAN suggested that inquiry voting be used to avoid glitches of the electronic system.

82. Upon consultation with the Secretariat, the Chairman decided to record the voting intentions of Mr HO Hau-cheung and Mr CHING Cheung-ying since they both confirmed their affirmative votes. He then corrected the voting results and announced that the provisional motion in paragraph 72 was endorsed by 35 affirmative votes, 0 dissenting vote and 0 abstention votes.

Members voting in favour (35)

Mr TING Tsz-yuen, Mr NG Kam-hung, Mr LI Sai-hung, Ms LAM Chung-yan, Mr Michael YUNG, Mr Billy CHAN, Mr CHAN Nok-hang, Ms TSANG So-lai, Mr WONG Ka-wing, Ms TUNG Kin-lei, Mr WAI Hing-cheung, Mr Tiger WONG, Mr Alvin LEE, Mr Wilson LI, Mr YIU Ka-chun, Mr Victor LEUNG, Mr James CHAN, Mr MAK Yun-pui, Ms Iris WONG, Mr WONG Hok-lai, Mr Sunny CHIU, Mr LAI Tsz-yan, Mr YAU Man-chun, Mr LI Sai-wing, Mr CHIU Man-leong, Mr TONG Hok-leung, Mr Rick HUI, Ms CHAN Man-kuen, Mr Thomas PANG, Mr WONG Yue-hon, Mr PUN Kwok-shan, Mr YIP Wing, Mr SIU Hin-hong, Mr HO Hau-cheung, Mr CHING Cheung-ying.

Members voting against (0)

Members abstaining (0)

83. The Chairman asked members whether they agreed to handle the provisional motion moved by Mr Sunny CHIU.

84. Members agreed to discuss the provisional motion moved by Mr Sunny CHIU.

85. Mr Sunny CHIU moved the following provisional motion:

“In regard to the subsidence of the “SCL Project” and other problems, the Traffic and Transport Committee of the Sha Tin District Council urges the Legislative Council to, by virtue of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), investigate whether any government departments or organisations have committed misconduct or given false evidence, so as to restore public confidence in the major railway network and ensure public safety.”

Mr James CHAN seconded the motion.

86. Mr James CHAN opined that there was no need to repeat the discussion and suggested that votes be cast directly.

87. The views of Mr HO Hau-cheung were summarised below:

- (a) a District Council had two major functions, that is, advising the Government on certain matters, and undertaking certain responsibilities where funds were made available for related purposes; and
- (b) the LegCo was an elected deliberative body and handled matters in accordance with democratic procedures. The STDC should not instruct the LegCo what to do.

88. Mr MAK Yun-pui requested an open ballot.

89. Mr LI Sai-hung opined that Mr HO Hau-cheung was not in a position to remark on the relevant matter due to his political affiliation.

90. Mr YIP Wing suggested that votes be cast directly.

91. The views of Ms LAM Chung-yan were summarised below:

- (a) as regards the a point of order, she hoped that the Secretariat would explain whether the STDC had the power to make the relevant provisional motion; and
- (b) the motion was intended to ask the LegCo to follow up on the incident. Members also advised the Government on the handling of the matter. But the STDC should not instruct the LegCo what to do.

92. Mr Roy LEUNG said that according to Section 61 of the District Councils Ordinance, the functions of a District Council were as follows:

“(a) to advise the Government —

- (i) on matters affecting the well-being of the people in the District; and
- (ii) on the provision and use of public facilities and services within the District; and
- (iii) on the adequacy and priorities of Government programmes for the District; and
- (iv) on the use of public funds allocated to the District for local public works and community activities; and

(b) where funds are made available for the purpose, to undertake -

- (i) environmental improvements within the District;
- (ii) the promotion of recreational and cultural activities within the District; and
- (iii) community activities within the District.”

93. The Chairman opined that the STDC had a broad mandate and therefore agreed to consider the provisional motion.

94. Mr Wilson LI agreed that the provisional motion was in compliance with the STDC’s functions.

95. Ms TUNG Kin-lei opined that the Government had appointed a Commission of Inquiry to investigate the SCL Project and to submit a report within six months. The Commission even had the power to initiate criminal prosecution for related liabilities. While LegCo Members might invoke the P&P Ordinance, the Commission was neutral and more credible. Therefore, she disagreed with the provisional motion.

96. The views of Mr Sunny CHIU were summarised below:

- (a) Members of the STDC had the responsibility to draw the LegCo's attention to the incident and urge the LegCo to follow up;
- (b) the remit of the Commission only covered Hung Hom Station, not stations along the SCL Shatin Section; and
- (c) since the Chairman agreed to consider the provisional motion, he suggested voting in accordance with democratic procedures.

97. Mr Alvin LEE opined that the STDC could express its concern to the LegCo over the subsidence along the SCL Project and assist in the follow-up.

98. Mr MAK Yun-pui suggested that votes be cast as soon as possible.

99. Mr Thomas PANG hoped that the mover and the seconder would explain the P&P Ordinance.

100. The views of Mr Michael YUNG were summarised below:

- (a) for each term of office, DC Members arranged to meet with LegCo Members in order to draw the latter's attention to local issues;
- (b) the mover and the seconder might not have sufficient legal knowledge to explain the P&P Ordinance; and
- (c) since the Chairman agreed to consider the motion and a member requested an open ballot, he suggested that the motion be handled in accordance with the Standing Orders.

101. Mr Sunny CHIU opined that DC Members should have a basic understanding of the law even if they did not have a legal background. Members could search for relevant information from different sources if they wanted to learn about the Ordinance.

102. Mr Thomas PANG opined that if members did not understand the P&P Ordinance, then it would be inappropriate to require the LegCo to invoke it; otherwise it would constitute an instruction to the LegCo. He explained that the P&P Ordinance did not include the right to initiate criminal prosecution, while the Commission of Inquiry could pursue criminal charges against those liable for the SCL incident.

103. The views of Mr YAU man-chun were summarised below:

- (a) he suggested voting. Members could just voted against the motion if they did not agree with the invocation of the P&P Ordinance to investigate the subsidence along the SCL Project; and

- (b) the public was concerned about whether the SCL Project involved corruption and falsification of data. DC Members had the responsibility to draw the Government's and the LegCo's attention to the matter.

104. The Chairman left the conference room temporarily due to other commitments and the Vice-Chairman took the chair for the time being.

105. The views of Mr TING Tsz-yuen were summarised below:

- (a) members who did not agree with the provisional motion might propose amendments; and
- (b) according to Article 24, Part V of the P&P Ordinance, LegCo Members had the powers of police officers and they could arrest offenders of the criminal law within the precincts of the Chamber.

106. The Chairman returned to the conference room.

107. The views of Mr Wilson LI were summarised below:

- (a) according to democratic principles, members could speak their mind freely at the meeting; and
- (b) the Democratic camp had also asked the LegCo to investigate the SCL incident by invoking the P&P Ordinance, which indeed had statutory powers.

108. Mr Sunny CHIU said that the democrats also supported the provisional motion moved by the pro-establishment camp and they had always intended to address the problem of subsidence along the SCL Project.

109. The views of Mr WONG Hok-lai were summarised below:

- (a) the STDC had also expressed its views on territory-wide issues, such as the co-location arrangement for the Guangzhou-Shenzhen-Hong Kong Express Rail Link. Therefore he did not find the provisional motion inappropriate; and
- (b) the P&P Ordinance included the right to initiate criminal prosecution. It might be a more suitable means than the Commission of Inquiry for the investigation by an elected council into the SCL Project.

110. Ms LAM Chung-yan hoped that the original mover would consider whether it was appropriate for the STDC to ask the LegCo to invoke the P&P Ordinance.

111. Mr HO Hau-cheung opined that it should be up to the LegCo to decide whether to invoke the P&P Ordinance. While DC Members could express their views directly to the LegCo or LegCo Members, it would be inappropriate for District Councils as a whole to instruct the LegCo what to do.

112. Mr Rick HUI opined that the provisional motion was only a statement and the LegCo had the right not to accept the advice.

113. Mr Alvin LEE moved an amended provisional motion as follows:

“In view of the subsidence and other problems in the Shatin to Central Link Project, the Traffic and Transport Committee of the Sha Tin District Council urges the Government’s Commission of Inquiry to conduct an active investigation and to submit a report in six months. If necessary, the Legislative Council should consider invoking the Legislative Council (Powers and Privileges) Ordinance to assist in handling the incident.”

Ms Iris WONG seconded the motion.

114. Mr Michael YUNG said that as far as he knew, there was only one Commission of Inquiry on the Shatin to Central Link, and its remit was limited to Hung Hom Station. He wondered how the Commission could investigate subsidence in other areas.

115. Mr Alvin LEE opined that it would suffice to revise the amended provisional motion as “...urges the Government’s Commission of Inquiry to expand the scope of investigation, to conduct an active investigation and to submit a report in six months...”.

116. Mr YAU Man-chun wondered how the Commission of Inquiry could be requested to expand its scope of investigation.

117. Mr Sunny CHIU opined that the amended provisional motion would also constitute an instruction to the Commission of Inquiry. And he doubted whether the scope of the investigation could be easily expanded to cover the stations along the SCL Shatin Section.

118. Mr NG Kam-hung opined that involving the Commission of Inquiry would complicate the matter. Besides, it would be difficult to require the existing Commission to extend its terms of reference. On the contrary, it would be easier to invoke the P&P Ordinance since there was no related investigation thereunder.

119. Mr MAK Yun-pui opined that the Commission of Inquiry and the P&P Ordinance could coexist and proposed amendments to the provisional motion.

120. The Chairman declared the meeting suspended for three minutes.

121. Mr MAK Yun-pui moved an amended provisional motion as follows:

“In view of the subsidence and other problems in the Shatin to Central Link Project, the Traffic and Transport Committee of the Sha Tin District Council urges the Legislative Council to consider invoking the Legislative Council (Powers and Privileges) Ordinance. It also urges the Government to set up a new Commission of Inquiry to expand the scope of investigation, to conduct an active investigation and to submit a report in six months.”

Mr CHING Cheung-ying seconded the motion.

122. The Chairman opined that the amended provisional motion was not contrary to the original one but was only slightly different in content. Therefore he agreed to consider the same.

123. Mr CHAN Nok-hang proposed changing the expression "...urges the Legislative Council to consider invoking..." in the amended provisional motion to "...urges the Legislative Council to invoke...as soon as possible...".

124. The Chairman opined that Mr CHAN Nok-hang's proposal was contrary to the original motion.

125. Mr YIU Ka-chun opined that the request for a new Commission of Inquiry contradicted that for expanding the scope of investigation.

126. Mr Michael YUNG agreed with Mr YIU Ka-chun. He opined that since the Government had set up a Commission of Inquiry and appointed the Chairman of the Commission to investigate the works at Hung Hom Station, it would be easier for a new Commission to handle the matter under discussion.

127. Mr MAK Yun-pui accepted members' suggestions and amended his provisional motion as follows:

"In view of the subsidence and other problems in the Shatin to Central Link Project, the Traffic and Transport Committee of the Sha Tin District Council urges the Legislative Council to consider invoking the Legislative Council (Powers and Privileges) Ordinance. It also urges the Government to set up a new Commission of Inquiry to expand the scope of investigation to cover the entire Shatin to Central Link Project, to conduct an active investigation and to submit a report in six months."

Mr CHING Cheung-ying seconded the motion.

128. Mr WONG Ka-wing opined that the remit of the new Commission might overlap with that of the existing one.

129. Ms CHAN Man-kuen opined that it would be difficult to set up a new Commission of Inquiry within a short time. Instead, it would be more appropriate to expand the scope of investigation of the existing Commission to cover the entire SCL Project.

130. Mr WONG Yue-hon opined that problems in the SCL Project should be thoroughly investigated. The difference lay in whether the investigation was conducted by the Government or under the P&P Ordinance. He agreed that setting up another Commission of Inquiry at this point might cause confusion.

131. Ms Iris WONG moved an amended provisional motion.

132. The Chairman declared the meeting suspended for five minutes.

133. Ms Iris WONG moved an amended provisional motion as follows:

“In view of the subsidence and other problems in the Shatin to Central Link Project, the Traffic and Transport Committee of the Sha Tin District Council requests the establishment of a Commission of Inquiry with an expanded scope of investigation, in order to identify the causes for the subsidence and the related countermeasures, and to submit a report in six months. If the Government fails to set up a Commission of Inquiry as aforementioned, then the Legislative Council is advised to consider invoking the Legislative Council (Powers and Privileges) Ordinance to conduct an investigation.”

Mr Alvin LEE seconded the motion.

134. Mr CHAN Nok-hang opined that the amended provisional motion moved by Mr Alvin LEE was better.

135. The Chairman said that members could only consider the amended provisional motion moved by Ms Iris WONG at this point.

136. Mr YAU Man-chun asked whether the relevant amended provisional motion also constitute an instruction to the LegCo.

137. Mr CHAN Nok-hang opined that invoking the P&P Ordinance would be more effective than setting up a Commission of Inquiry. He did not understand why a slower approach should be preferred.

138. Mr YAU Man-chun said that he would move an amended provisional motion if the mover refused to place the P&P Ordinance before the Commission of Inquiry.

139. The Chairman said that the Commission of Inquiry had the right to initiate criminal prosecution, which was impossible under the P&P Ordinance.

140. Mr SIU Hin-hong requested that the matter be put to a vote as soon as possible.

141. Mr NG Kam-hung opined that all the amended provisional motions proposed invoking the P&P Ordinance, which was no different from the original motion. He proposed that all the amendments be withdrawn.

142. Mr Michael YUNG said with a heavy agenda of the meeting, more amendments would be a waste of time. He suggested that the meeting be suspended so that members could come up with a motion acceptable to all.

143. Mr YIU Ka-chun suggested that the Chairman and the Vice-Chairman of the TTC move and second an amended provisional motion acceptable to all.

144. Mr YAU Man-chun moved an amended provisional motion as follows:

“In regard to the subsidence of the SCL Project and the construction problems of Hung Hom Station, the Traffic and Transport Committee of the Sha Tin District Council requests the Legislative Council to, by virtue of the Legislative Council

(Powers and Privileges) Ordinance (Cap. 382), investigate whether any government departments and organisations have committed misconduct or given false evidence. The Committee also requests the Government to review the deficiencies of the Commission of Inquiry and expand its functions to avoid the Commission of Inquiry being criticised as “a toothless tiger” by the public and Councils, so as to restore public confidence in the major railway network and ensure public safety.”

Mr CHAN Nok-hang seconded the amendment.

145. The Chairman asked members whether they agreed to endorse the provisional motion in paragraph 144.

146. Mr MAK Yun-pui requested an open ballot and four members present supported the request.

147. The Chairman announced that there were 20 affirmative votes, 14 dissenting votes, 0 abstention votes and 1 member did not vote.

148. Mr Alvin LEE said that he had cast a dissenting vote, but the voting system incorrectly showed that he had not voted.

149. Since Mr Alvin LEE confirmed his dissenting vote, the Chairman decided to record his voting intention and corrected the voting results. He then announced that the provisional motion in paragraph 144 was endorsed by 20 affirmative votes, 15 dissenting votes and 0 abstention votes.

Members voting in favour (20)

Mr TING Tsz-yuen, Mr NG Kam-hung, Mr Wilson LI, Mr Billy CHAN, Mr MAK Yun-pui, Mr WONG Hok-lai, Mr WAI Hing-cheung, Mr YAU Man-chun, Mr LI Sai-wing, Mr Michael YUNG, Mr James CHAN, Ms TSANG So-lai, Mr LAI Tsz-yan, Ms YUE Shin-man, Mr LI Sai-hung, Mr Rick HUI, Mr CHAN Nok-hang, Mr CHING Cheung-ying, Mr Sunny CHIU, Mr YIP Wing.

Members voting against (15)

Mr Tiger WONG, Ms LAM Chung-yan, Mr Victor LEUNG, Mr WONG Yue-hon, Mr PUN Kwok-shan, Mr HO Hau-cheung, Mr YIU Ka-chun, Ms CHAN Man-kuen, Mr WONG Ka-wing, Mr SIU Hin-hong, Mr CHIU Man-leong, Mr TONG Hok-leung, Ms Iris WONG, Ms TUNG Kin-lei, Mr Alvin LEE.

Members abstaining (0)

150. Mr WONG Hok-lai said that the DFMC meeting had been rescheduled to the afternoon of 4 September. He asked what would be done if resumption of the current TTC meeting was necessary.

151. The Chairman gave a consolidated response as follows:

- (a) according to the arrangement for resumption of meetings adopted by the STDC on 25 January this year, the afternoon of 4 September was

assigned for fall back sessions of the DFMC and the TTC. If the TTC meeting could not complete the agenda today, then according to the Standing Orders, he would decide the time for the resumption on the afternoon of 4 September;

- (b) after consulting members of the DFMC, the Chairman of the DFMC had decided to hold the fourth meeting of DFMC in 2018 at 2:30 pm on 4 September 2018. Therefore, he proposed that the continuation of the TTC meeting start at 30 minutes after the end of the DFMC meeting on 4 September; and
- (c) according to the information provided by the Secretariat, the fourth meeting of the DFMC was expected to last about 175 minutes. Therefore, the continuation of the TTC meeting would begin at 6:00 pm on 4 September 2018.

Proposal on Lift Retrofitting Works at Walkway No. ST06 - Across On Shing Street and On Luk Street connecting On Shing Street Garden and Sunshine City Phase 3 and 4 under the Universal Accessibility Programme
(Paper No. TT 59/2018)

152. The Chairman welcomed representatives of the HyD and the consultant company to the meeting.

153. Representatives of the consultant company briefly introduced the contents of the paper.

154. The views of Mr Alvin LEE were summarised below:

- (a) he enquired about the construction schedule and the time needed for the foundation works or piling;
- (b) he was striving for a direct access from Walkway No. ST06 to the proposed heated pool building in Area 103. Therefore, he proposed repositioning Lift No.2 slightly to the left or the right;
- (c) he hoped that the HyD and Sunshine City Property Management Limited (SCPML) would reach an agreement on the maintenance of the lifts for mutual benefit. The HyD should also communicate closely with the Owners' Committees of Sunshine City Phases 1, 3 and 4, which were affected by the noise and other problems to occur during the works; and
- (d) fatal traffic accidents had occurred at the pedestrian crossing at On Luk Street. Therefore he hoped that the lifts would be completed as soon as possible, so that members of the public could cross the road easily via the elevated walkway instead of the at-grade crossing.

155. The views of Mr TING Tsz-yuen were summarised below:

- (a) the construction of Lift No. 1 might require the closure of some lanes on On Luk Street, which might increase the risks at the pedestrian crossing. He enquired of the HyD about the road closure arrangements during the construction period;
- (b) although he was in favour of connecting the elevated walkway to the proposed heated pool building in Area 103, he suggested that the connection point should be located at Ma On Shan Telephone Exchange, where there was greater space to accommodate Lift No. 2; and
- (c) as far as he knew, On Shing Street Garden was about to be refurbished. He suggested that the HyD coordinate related works with the Leisure and Cultural Services Department (LCSD) in order to avoid wasting public money.

156. The views of Mr Michael YUNG were summarised below:

- (a) more people in need were expected to use Lift No.1, while ordinary residents might also use Lift No. 1 for the sake of convenience. He asked whether the HyD had assessed the user flow and what it took into account when designing the capacity of the lifts;
- (b) he asked whether the HyD had considered the lifts opening in different directions;
- (c) as far as he knew, for environmental reasons, the lifts would not be installed with air-conditioning but would be equipped with a natural ventilation system. He asked whether the HyD had assessed the apparent temperature in the lifts on sunny days with the presence of body heat;
- (d) he asked whether the HyD and SCPML had reached an agreement on the responsibility for maintaining the elevated walkway and the lifts. If the HyD was responsible for the lift maintenance, he wondered who would deal with other problems such as the structure of the walkway; and
- (e) the HyD might shelve the proposal if it failed to reach an agreement with the Owners' Committees of Sunshine City or the developer, or else if Sunshine City failed to meet the relevant requirements. He asked what would be done in that case.

157. The views of the Chairman were summarised below:

- (a) he hoped that related works could be expedited;
- (b) he asked whether the lifts would be installed with air-conditioning;

- (c) the lifts, to be located in a garden managed by the LCSD, would be connected to a privately-owned elevated walkway. He wondered whether all the stakeholders agreed to the works; and
- (d) he hoped that the HyD would maintain communication with various stakeholders.

158. Mr YIU Chiu-chung, Senior Engineer 2/Universal Accessibility of the HyD gave a consolidated response as follows:

- (a) lift No. 2 could be slightly repositioned as per members' suggestion. However, it would depend on the actual circumstances, such as the layout of underground utilities. He would have further discussion with relevant members;
- (b) the consultant company would have detailed discussion with the SCPML department responsible for walkway maintenance on the works or the future maintenance agreement;
- (c) if the project was endorsed by the STDC, the HyD would arrange for gazettal and would carry out ground investigation of underground utilities, before coming up with a detailed design. If everything went well, tendering and commencement would ensue. However, with many uncertainties at this point, the HyD could not provide a definitive schedule for the time being; and
- (d) Sunshine City had signed a paper to initially agree to the connection of the lifts to its elevated walkway. The HyD would continue the discussion with Sunshine City and would seek legal advice whenever necessary, so as to clarify the rights and responsibilities.

159. Mr Simon CHAN, Associate Director (Engineer) of Mannings (Asia) Consultants Limited gave a consolidated response as follows:

- (a) lifts under the Universal Accessibility Programme were usually designed with a capacity of 12 persons, which he opined was the most appropriate. When a lift was designed with entrances/exits of opposite directions, it was mainly intended for the convenience of wheelchair users. The proposed Lift No.2, however, would have its entrance and exit in the same direction, so that the elevated walkway would provide a shelter from the sun and the rain for pedestrians on the ground level;
- (b) the lifts would be equipped with a mechanical exhaust system. The proportion of concrete surface on the external walls would be determined based on the actual environment. That, together with louvre fittings, would minimise the difference between indoor and outdoor temperatures. The design already took into account sunlight from different direction. Therefore, the ventilation system would be quite different from previous ones;

- (c) he had maintained contact with the LCSD and had had discussion with SCPML and the Owners' Committees on future maintenance responsibilities;
- (d) thinner piles and lighter machines would be used for the foundation works, thus resulting in less noise. Generally speaking, foundation works would take 6 to 9 months, depending on the site environment and the road closure arrangements; and
- (e) whenever possible, machines would be placed in the planters in the garden during the works, and enough pedestrian passages would be reserved, so as to minimise the impact on the traffic at the site. Any temporary traffic measures would be subject to the approval by the Police, the HyD and the TD, and the most suitable approach would be adopted.

160. The Chairman asked members whether they agreed to endorse the above proposal on lift retrofitting works.

161. Members unanimously endorsed the above proposal.

Code of Practice for Automated Dockless Bicycle Rental Service
(Paper No. TT 61/2018)

162. The Chairman welcomed representatives of the TD to the meeting.

163. Representatives of the TD briefly introduced the contents of the paper.

164. The views of Mr CHIU Man-leong were summarised below:

- (a) there were public complaints about the illegal parking of and street obstruction by automated rental bicycles (ARBs) from time to time. And such complaints were still received even after the TD had introduced the "Code of Practice for Automated Dockless Bicycle Rental Services" ("the Code") in Tai Po on a trial basis. The Code required staff of the TD and of operators to work together for discussion and inspections, which virtually constituted using public money to support private commercial activities. He hoped that the TD would review the effectiveness of the Code. If the Code was found to be ineffective, then legislation and a licensing scheme should be introduced to regulate ARBs; and
- (b) the TD should address squarely the problem of public bicycle parking areas occupied by ARBs. On the other hand, ARBs were parked on pavements away from cycle tracks from time to time. As a result, members of the public would need to cycle on pavements, which was both illegal and dangerous. The Code should require ARB operators to remove their bicycles from relevant locations.

165. The Chairman left the conference room temporarily due to other commitments and the Vice-Chairman took the chair for the time being.

166. The views of Mr WONG Yue-hon were summarised below:

- (a) after the collapse of GoBee.Bike, the first ARB company in Hong Kong, many bicycles of the company were still abandoned on the streets. He asked how the TD would deal with abandoned or illegally parked ARBs;
- (b) the biggest problem with ARBs was that they were too many in number and they were not monitored adequately by the Government. Among others, the Code did not monitor the number of ARBs. It would not be ideal if the Government eventually had to remove illegally parked ARBs on its own, since it would mean taking care of problems caused by operators profiting on public space;
- (c) as the first step to implement the Code, it was necessary to consider legislation on regulation at the same time, so as to plug legal loopholes and to prevent operators from leaving ARBs everywhere; and
- (d) the TD might refer to the licensing system of the Travel Industry Council of Hong Kong. To be specific, the TD could collect corresponding deposits from operators based on the number of bicycles they placed, so as to protect consumers when an operator was wound up. Alternatively, the Government could recover the costs of remedial measures from the bankrupt operator.

167. The views of Mr Billy CHAN were summarised below:

- (a) although the bicycles of GoBee.Bike had been procured by another company, he wondered what the TD would deal with the aftermath if the new operator also closed down. He pointed out that the related bicycles left were still visible everywhere;
- (b) under the pilot scheme, the TD would remove illegally parked bicycles at about three hours after issuing related notices. In this way, the number of illegally parked bicycles could be reduced by about half. He asked whether the TD had more effective measures and whether it would increase the manpower to remove illegally parked bicycles. In addition, there were many blackspots of illegal parked bicycles. He was concerned that the TD might not have enough manpower to deal with the problem. And even if legislation was introduced to regulate ARBs, he was concerned that the TD might not be able to effectively impose fines on offenders;
- (c) the APP launched by the TD was said to help users identify illegally parking blackspots by means of the GPS system. He said bluntly that there might not be as many users of the APP as imagined. And the TD could not guarantee that every biker would download the APP.

Besides, bikers only paid attention to the convenience of parking. He wondered whether the TD had better measures of publicity or education; and

- (d) the pilot scheme still had room for improvement. Besides, he asked when it would be implemented in Sha Tin at the earliest.

168. The views of Mr CHAN Nok-hang were summarised below:

- (a) he agreed that the pilot scheme was effective. However, to a certain extent, the Code encouraged more operators to join the business and to conduct private commercial activities in public places. Besides, the Code was not an Ordinance and operators might not necessarily need to comply. He opined that the Government should consider legislation as soon as possible, collecting fees from operators and increasing their costs, so as to effectively control the situation; and
- (b) while the Code applied to bicycles illegally parked in public places, he asked what the TD would deal with those in private or public housing estates.

169. The views of Mr LI Sai-hung were summarised below:

- (a) accepting the Code was currently a not-so-bad option for dealing with ARBs. Even before GoBee.Bike came to Hong Kong, he had proposed that only by amending the law could the illegal parking of ARBs be regulated effectively; and
- (b) he hoped that government departments would endeavour to combat the illegal parking of ARBs and strengthen enforcement, so as to increase the operating costs of operators. And related legislation should be introduced on regulation in the long run.

170. Mr YIP Wing said that he had received public complaints about pavements obstructed by ARBs as early as GoBee.Bike coming to Hong Kong. In the long run, he opined that the Government should introduce legislation as soon as possible, such as requiring operators to pay deposits and imposing fines against illegal parking.

171. The views of Ms Iris WONG were summarised below:

- (a) the chaos relating to ARBs stemmed from the absence of an effective regulatory system and the fact that the current legislation failed to cope with the emerging business. The collapse of GoBee.Bike as the first ARB company had resulted in a series of lawsuits. The Government should be on the alert;
- (b) although ARBs existed in the Mainland and in other countries as well, the Code should address the unique situation in Hong Kong. The original intention of the TD was good in implementing the Code, which the TD hoped that all the operators would comply. The Code was conducive to market rules and order. It was intended to reduce the

use of public money by dealing with the illegal parking of bicycles through the operators. And it established the Government's supervisory role. Therefore, the existence of the Code was better than the absence of regulatory measures;

- (c) since the collapse of GoBee.Bike, there were six ARB companies left in the market, but not all of them abide by the Code, which, as it turned out, could only regulate cooperative companies. The TD should be given concrete powers to deal with violators of the Code; otherwise, the problem could not be effectively addressed no matter how much additional manpower was deployed;
- (d) at present, the Government did not restrict the number of operators. She asked whether there was a mechanism to restrict the number of bicycles placed by the operators, and how the Code would be able to regulate both existing and future companies. Besides, she asked how the existing legislation could be coordinated to make the Code practical;
- (e) starting in 2008, the Government was determined to build a bicycle-friendly environment, including the construction of a cycle track network running through New Territories East and New Territories West. Only 84 bicycle parking spaces had been newly added in Sha Tin in the past two years. But number would be increased by ten folds or 870 spaces in future. It caused suspicion that the Government was supporting the ARB market with public resources. And even if more bicycle parking spaces were provided, she wondered how the TD would ensure that ARB users would correctly use such spaces; and
- (f) the Code should be implemented throughout the territory and the situation in each district was different. The TD had only implemented the pilot scheme at Tai Po in June. She wondered how the TD could timely implement the scheme in Sha Tin when there was not yet related GIS information for the District.

172. The views of Mr HO Hau-cheung were summarised below:

- (a) Sha Tin had grown from a rural area to a new town. Residents liked to travel by bike. Judging from the discussion over a long time, the people had always hoped to have something similar to ARBs. GoBee.Bike had always had a lot of negative news since its opening in Hong Kong in April 2017. And District Councils had recommended regulating the business. However, despite the array of negative comments on ARBs, six other similar companies had emerged over the past year;
- (b) although the Government had formulated the Code based on the existing legislation, it was no more than a band-aid measure. Operators would only provide users with the most convenience services. And they would only recover their bicycles wherever users

parked them. He opined that only by legislation could the problem be solved, so that people would use ARBs in accordance with the law; and

- (c) at present, it would take one or two days even if an operator promptly recovered its illegally parked bicycles. During that time, the bicycles would still obstruct streets. Therefore, the Code was not a cure for the illegal parking of ARBs.

173. The views of Mr CHING Cheung-ying were summarised below:

- (a) it was difficult for the Code to regulate ARBs, which could still occupy parking spaces without the users taking any responsibility. Therefore, he opined that the operating pattern of borrowing and returning at fixed locations should be adopted, so that the community would not have to pay a huge price to deal with problems caused by those unruly people; and
- (b) the effectiveness of the pilot scheme in Tai Po District was not obvious. He opined that legislation should be introduced.

174. The Chairman returned to the conference room.

175. The views of Mr WONG Hok-lai were summarised below:

- (a) the Code was not legally bounding or mandatory for all the operators; therefore, its effectiveness was doubtful;
- (b) he cited the example of GoBee.Bike and asked what should be done with bicycles left behind by a bankrupt operator; and
- (c) the Government might consider assigning locations for ARB operators. And he suggested introducing legislation on regulation.

176. Ms CHAN Man-kuen said that currently users could park ARBs anywhere they liked. The Administration should not rely solely on the Code to deal with the illegal parking of ARBs. It should further take more effective measures, such as legislation on regulation. Otherwise, the TD might not necessarily have sufficient manpower to cope with the work. Eventually it might request assistance from other departments, wasting taxpayers' money.

177. Mr LAI Tsz-yan asked how offenders of the Code would be dealt with. He pointed out that there was a large number of ARBs and the problem of illegal parking was serious. He wondered whether the self-discipline of operators and users was the only solution.

178. The views of Mr Tiger WONG were summarised below:

- (a) business people took advantage of the Government policy of promoting ARBs and exploited related legal loopholes, resulting in

the illegal parking of ARBs. He opined that the Code could not control the proliferation of bicycles. And the environmental pollution caused by the illegal parking of ARBs had outweighed their benefits. The Government should introduce legislation and a licensing system to regulate ARBs and to assist operators in properly running their businesses;

- (b) he said that ARB companies conducted commercial activities on government land. He enquired about the opinion of the Sha Tin District Lands Office (DLO/ST) in that regard; and
- (c) government departments, including the TD and the DLO/ST, should combat the illegally parking of ARBs in accordance with the existing legislation and their respective remits.

179. The views of Ms TSANG So-lai were summarised below:

- (a) the Code was not mandatory for everyone and its effectiveness was doubtful. It was necessary to introduce legislation on regulation in the long run;
- (b) apart from education and publicity, the Administration should provide information on legitimate parking locations for users from other districts; and
- (c) he proposed that the operators offer rental concessions to users who parked their bicycles correctly, as a means of encouragement.

180. The views of Mr Wilson LI were summarised below:

- (a) he was concerned that the Code was inadequate. And he opined that the Government should increase its efforts and properly deal with the problem; and
- (b) the illegal parking of ARBs was serious and a licensing system was necessary to regulate the problem. And there should be good planning. For example, fixed parking spaces could be designated, as in other countries, together with parking racks of the new type.

181. The views of Mr Michael YUNG were summarised below:

- (a) the existence of the Code was better than the absence of regulatory measures. But the introduction of legislation should be considered in the long run;
- (b) in order to effectively promote dockless ARBs, a real-time GIS should be available for users and the operators to understand the situation. The TD should have good communication with the operators, requesting them to provide real-time information and to promptly remove bicycles obstructing streets; and

- (c) he asked whether the TD would have discussion with members on the matter before implementing the pilot scheme.

182. Mr WONG Kwok-leung, Senior Engineer 4/Transport Planning of the TD gave a consolidated response as follows:

- (a) he understood that some members kept an open mind on the Code;
- (b) the information provided by the GIS was not displayed on the TD's APP or webpage, but rather on the APPs of individual operators, which would show users of legitimate parking locations and blackspots of illegal parking. Some operators were also studying technical solutions such as a demerit point system, so that users who parked their bicycles illegally might be unable to rent bicycles in future;
- (c) the TD would consider the need to implement the Code and to introduce legislation at the same time. The Code was a swifter approach. The TD would continue to consult members on legitimate parking locations in line with the situation in the District. The TD would continue to review the effectiveness of the Code and would consider legislation when necessary;
- (d) a mechanism would be introduced under the Code to restrict the number of bicycles placed by operators based on the utility rate. The TD would continue to work on the details;
- (e) as regards the illegal parking of ARBs on private land, such as housing estates with sold titles, the deeds of mutual covenants could apply. If objects including bicycles obstructed places in estates managed by the Housing Department were concerned, then as far as he understood, the HD would charge fees from related parties based on the sizes of the objects; and
- (f) for the designation of parking spaces in the next phase, the TD had completed the study on the parking (including illegal parking) of non-ARBs in the district by the middle of the previous year. It proposed installing new parking spaces at appropriate locations based on residents' needs. The TD had conducted local consultation via the STDO on parking spaces in the district at the end of the previous year. And it would also consult the TTC on the matter later.

183. Mr YUEN Sze-chun, Administrative Assistant/Lands of the STDLO gave a consolidated response as follows:

- (a) for any business operation or any object occupying government land, the DLO/ST would put up a notice pursuant to Section 6(1) of the Land (Miscellaneous Provisions) Ordinance, requiring the occupier to cease occupation of the government land before the specified deadline and stating that the failure to do so would constitute a violation of the law, in which case the DLO/ST could take over the object on the

government land. The DLO/ST would also consider initiating prosecution if the identity of the occupier could be confirmed and sufficient evidence was available; and

- (b) at present, the DLO/ST enforced the Land (Miscellaneous Provisions) Ordinance against bicycles occupying government land. But it could not put up a notice unless such occupation had occurred.

Motions

Motion by Mr LEE Chi-wing, Alvin on Improvements on the Interchange Facilities at Tate's Cairn Tunnel Toll Plaza
(Paper No. TT 62/2018)

184. The Chairman asked the Secretariat to conduct a headcount of Members.

185. Due to the lack of a quorum at present, the Chairman declared the meeting suspended for 15 minutes and asked the Secretariat to summon those Members not present.

186. There was still the lack of a quorum after the Secretary had summoned those Members not present. The Chairman adjourned the meeting at 10:03 pm.

Date of Continuation

187. The continuation of the meeting was scheduled to be held at 30 minutes after the end of the DFMC meeting on the afternoon of 4 September 2018 (Tuesday), and was expected to start at 6 pm on the same day.

Sha Tin District Council Secretariat
STDC 13/15/45

October 2018