

Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger
Response to the Follow-up Issues Raised at the Subcommittee Meeting on 12 June 2007

Issue	Response
Bylaw Enforcement Guidelines	
1) Provide the principles of the bylaw enforcement guidelines for MergeCo	<ul style="list-style-type: none"> • The draft key items of the bylaw enforcement guidelines for MergeCo are set out in <u>Annex</u>.
Mass Transit Railway (North-west Railway) Bylaw	
2) Reconsider the penalty for hawking taking account of the penalty for a similar offence in the PHMSO	<ul style="list-style-type: none"> • The Public Health and Municipal Services Ordinance, Cap 132 (PHMSO) allows for a maximum of \$5,000 fine and one-month imprisonment for a first conviction of hawking without a licence and \$10,000 fine and six-month imprisonment for a subsequent conviction. • Illegal hawking activities in railway premise may pose a safety hazard to railway passengers as they may block the key passageways and entrances of the stations, etc. • In view of this, pending the overall review of the whole set of Bylaws including the level of penalties for different offences which will be completed within 12 months of the merger, it is proposed to maintain the existing penalty level including the 6-month imprisonment provision for the offence of hawking in the current exercise.
MTR Amendment Bylaw 21(1)	
3) Provide more information of the prosecutions under bylaw 21(1) and the nature of the notice	<ul style="list-style-type: none"> • MTR: The two prosecutions in 2005 relate to the representatives of two estate agents who had followed passengers persistently requesting that they view a property development despite passengers indicating that they were not interested. Notices had been posted in the station forbidding canvassing for customers. This is to deal with a localized problem of estate agents annoying passengers inside the station. • KCR: As explained at the Subcommittee meeting on 12 June 2007, nearly all of the prosecutions in 2005 and 2006 concerned passengers sitting or sleeping on the floor of trains. Such behaviour obstructs the movement of other passengers and in particular is a nuisance to female passengers wearing skirts or dresses. The only other cases concerned unauthorized use of emergency exit (one

case in 2005 and three cases in 2006).

- Notices are used to address specific safety and security issues of a temporary nature, e.g. no lighted candles (usually posted at mid-autumn festival), crowd control measures at peak times. The Corporation will post such notices at prominent places in the railway premises such that passengers will be aware of the arrangement. In practice, the Corporation will first approach the person concerned to explain the relevant arrangement and to seek his/her cooperation. It is only upon his or her refusal to follow that the Corporation will proceed to take further appropriate actions such as issuing warning notice and reserving the right to take further action for prosecution.

Draft Key items of the Guidelines to Staff in By-laws Enforcement for MergeCo

Guidelines for enforcing By-laws

When enforcing the By-laws, staff should observe the following guidelines:

- **Sufficient knowledge**

- familiarise yourself with the By-laws and pay special attention to commonly used sections and consult Secretarial & Legal and Procurement & Contracts Departments when necessary.

- **Appearance**

- ensure the name badge is visible if you are wearing uniform

- **Approaching passengers**

- identify yourself as a MergeCo employee by showing the staff identity card if you are not wearing uniform

- **Appropriate manner**

- treat the passenger courteously and with a firm manner in order to secure his/her cooperation
- ensure the personal safety of your own

When carrying out ticket inspection

- explain carefully the MergeCo ticketing system and/or the relevant By-laws breached by the person in question
 - always be polite to the person and remain calm, not to be irritated or annoyed
 - say “thank you” to the person after the inspection.
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Draft Key items of the Guidelines to Staff in By-laws Enforcement for MergeCo, continued

Guidelines for enforcing By-laws, continued

- Inspection on trains**

- No need to ask the person in question to get off the train for further investigation unless you are certain that he/she has misused the “ticket”

- Technique**

- give the person in question an opportunity to explain
 - consider the explanation provided by the person seriously and do not concoct evidence with other witnesses
 - if the person is persistently uncooperative or instigate confrontation, request Police assistance to handle the case