

Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger

Follow up to Subcommittee meeting of 26 June 2007

Issue	Response
Identity cards for authorized officials	
<p>1) To provide samples of the identity card of authorized officials for by-law enforcement duties.</p>	<ul style="list-style-type: none"> • The samples are given in the Annex: <ul style="list-style-type: none"> – Item (A): for station operational staff who are in uniform, all of whom are authorised officials for bylaw enforcement duties. – Item (B): for relevant staff who are in plain clothes. These identity cards should be presented together with item (A). – Item (C): for the other authorised officials who are contractor staff.
Section 21 of Mass Transit Railway (Amendment) Bylaw 2007 and section 36 of the Mass Transit Railway (North-west Railway) Bylaw	
<p>2) To review the retention period for lost property.</p>	<ul style="list-style-type: none"> • The retention period is currently one month under both the existing Kowloon-Canton Railway Corporation By-laws and the existing North-west Railway By-laws or three months under the existing bylaws of MTR Corporation Limited (MTRCL). MTRCL considered that the suggestion to extend the retention period from one month to three months for the KCR System may have an impact on the operation of the KCR System, on the other hand in view of past experience, the adoption of a one-month retention period should have minimal possible impact on passengers. MTRCL advised

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	<p>that, therefore, it would prefer to apply the one-month retention period after the rail merger. If, with the benefit of actual operating experience of this arrangement across the MTR and KCR systems, it is considered that there is room for improvement, the post-merger corporation would be prepared to include this item in its overall review of the bylaws.</p> <ul style="list-style-type: none"> • It is the normal practice of the MTRCL that if passengers contact them for any lost property and it is possible to identify the property concerned, they will render their assistance to the passengers to make the necessary arrangements for the safe return of their lost property, including arrangements to retain the item for a longer period. MTRCL advised that this arrangement will continue after the rail merger.
<p>Section 8 of Mass Transit Railway (Amendment) Bylaw 2007</p>	
<p>3) To amend section 9 to specify that there are exemptions in cases of accident or emergency.</p>	<ul style="list-style-type: none"> • MTRCL advised, that as explained at the Subcommittee meeting held on 26 June 2007, in case of accident or emergency, passengers can operate the “Emergency Train Stop” on the platform which will cause the train to stop immediately or to operate the “Emergency Call Handle” in the train so that the railway staff can render assistance. The Corporation believes that maintaining the existing arrangement will ensure a clear message to passengers that they should avoid obstructing or attempting to force open the train doors or platform screen doors as this may endanger the passengers or affect the safe operation of the railway.

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Section 16 of Mass Transit Railway (Amendment) Bylaw 2007	
<p>4) To provide information on the enabling Ordinance for the Corporation to make bylaw 28C(3) which appears to govern the vicinity of railway premises.</p>	<ul style="list-style-type: none"> • There is no vires issue. The action the Corporation is empowered to take under this bylaw is to “establish queues on the railway premises”. The Corporation is not proposing to exercise its power outside the railway premises. “Regulating the access to services and facilities provided in the vicinity of the railway premises” is only the description of the circumstances in which this power can be exercised. It is envisaged that only if a crowd has congregated and started to occupy space in the railway premises would the Corporation exercise the power under this bylaw to establish queues so as to ensure the safety of members of the public within the railway premises.
Section 18 of Mass Transit Railway (Amendment) Bylaw 2007	
<p>5) To amend section 32A to limit advertisement and publicity to only those of commercial nature.</p>	<ul style="list-style-type: none"> • MTRCL considers that the proposed amendment would unduly narrow the scope of their power to maintain smooth operation of the railway. For example, they would require a person who wants to arrange an exhibition of his work of art such as photos, paintings etc. which may not be of commercial nature to seek the authorisation of the Corporation in advance. • The corporation noted members’ view on this issue and would consider their views during the comprehensive review of the bylaws.

Samples of identity cards for the authorized staff of MTRCL in by-law enforcement

(A) Staff identity card



(B) Staff identity card for MTR By-law Enforcement Team



(C) Staff identity card for contractor staff

