

**Legislative Council Panel on Transport
Subcommittee on Matters Relating to Railways**

MTR Bylaw Review

At the meeting of Panel on Transport Subcommittee on Matters Relating to Railways on 4 June 2010, Members discussed the proposed amendments to the Mass Transit Railway Bylaws (Cap. 556B) and Mass Transit Railway (North-West Railway) Bylaw (Cap. 556H) by the MTR Corporation Limited (the Corporation) pursuant to the review of the two sets of bylaws. This paper provides supplementary information requested by Members.

Training of MTR Staff

2. Members requested information on the training for the Corporation's staff on the enforcement of the bylaws and the approach of the enforcement work.

3. Regular training is arranged for all MTR staff who deal with enforcement of the bylaws. The Corporation ensures that these staff are sufficiently familiarized with the bylaws and guidelines on how the bylaws are to be implemented. All station staff recruits are required to attend a training course which covers all aspects of station operations insofar as they relate to the handling of passengers including a briefing on the bylaws covering in detail the purpose of the bylaws and how they are to be implemented. The training courses are run by the Human Resources Division of the Corporation in conjunction with the Operations Division.

4. Every two months, senior officers will conduct refresher training and experience sharing sessions which are designed to ensure that all relevant staff dealing with enforcement of the bylaws are constantly aware of problem areas, any changes to the bylaws or corporate policy, special cases encountered and results of any legal proceedings which may impact on their work.

5. Annually, the Legal Department of the Corporation will conduct seminars for all relevant staff, covering the legal principles underpinning the bylaws and how staff are to handle all aspects of a bylaw prosecution including court appearances as a witness.

6. Specifically, staff dealing with enforcement of the bylaws are given in-depth training in terms of the Corporation's policy, insofar as it applies to bylaw offences, which includes amongst other things tuition in relation to -

- Identification of offenders;
- How to approach offenders;
- How to deal with difficult offenders;
- When to refer a matter to the police;
- Imposition of surcharge;
- Initiation of prosecutions; and
- Protection of personal data.

7. All of the aforementioned staff are trained to implement the Corporation's policy to educate as opposed to penalizing offenders, particularly in relation to minor offenses. Wherever possible prosecution should be limited to persons who refuse to comply with a reasonable request, prove to be unnecessarily difficult, are clearly acting in a manner which not only infringes the bylaws but prejudices the interests or well being of other passengers or are known to be repeat offenders, or where the offence committed falls into the category of a major offence.

8. These staff are instructed that persons who may have/have breached the bylaws are to be dealt with in a disciplined and courteous manner and that an accurate record of events relating to an offence must be made contemporaneously and filed with senior staff. In addition to classroom training, these staff are required to go through "on-the-job training programmes" and qualifying procedures to ensure that they are capable to perform duties in accordance with the Corporation's policy and procedures.

Handling of Passengers Who Consume Food on Railway Premises

9. Members showed specific concern over the approach of the enforcement of the bylaws which prohibit consumption of food.

10. Passengers who consume food or beverage on railway premises in breach of Mass Transit Railway Bylaw 27(b) and Mass Transit Railway (North-West Railway) Bylaw 25(b) are dealt with in the same manner as other infringements are dealt with.

11. Generally speaking, passengers are first advised that they are breaching the relevant Bylaw and asked to cease eating or drinking. If a passenger complies with the inspector's request a warning is given. Passengers are informed that if they are caught breaching the Bylaw in future an infringement notice, which will result in a penalty being imposed, will be issued. If a passenger refuses to comply with the inspector's request, an infringement notice will be issued.

Refunds for Fares Overcharged

12. Members enquired about the Corporation's responsibility to refund overcharged fares.

13. The Corporation has put in place established procedure and tests to ensure correct deduction of fares -

- (a) Daily automatic health checks - an operating regime governing the proper working of the fare collection system and facilities is in place. Every night at the close of an operating day, the ticket gates are put out of use. Before the aforesaid facilities enter into service at the start of service on the following morning, there will be an automatic health check of the fare collection system and facilities to verify that they are in the proper working order;
- (b) Maintenance procedures - whenever an electronic card of a ticket gate is replaced, the maintenance staff will validate the accuracy of the fare table and the internal communication with the station computer before reopening the ticket gate for passenger service. There are comprehensive procedures to

manually verify that the fare input is correct and to perform intensive workshop tests by the maintenance staff, if necessary; and

- (c) Random checks - in addition to the normal preventive maintenance activities, the ticket gates are also subject to random checks by railway staff to ensure proper working.

14. Under normal circumstances, it is unlikely that fares are overcharged by the fare collection system. Should in any case fares are overcharged, the Corporation shall, upon receipt of a genuine claim, refund any sum which it has overcharged. Passengers may approach staff at the Customer Service Centres at all stations with the Octopus cards with which fares are paid at any time if they have any enquiries regarding fares charged. Any overcharged sum will be refunded.

15. In the unlikely event that fares are overcharged as a result of an error in the fare collection system, the Corporation will post notices at the relevant stations to inform affected passengers that they may seek refund of the overcharged sum at Customer Service Centres or call the MTR Hotline to seek further information.

First Class Premium

16. Members requested information on how the Corporation's staff will exercise discretion on the waiver of the surcharge imposed on passengers travelling First Class without paying a premium in advance.

17. The Corporation provides First Class service on the East Rail Line. Detailed information on the First Class Premium and Standard Class fares is available at Customer Service Centres and ticket issuing machines in stations on the East Rail Line. To remind First Class passengers of the need to pay a First Class premium, notices are displayed inside First Class compartments and at prominent locations on platforms. There are also clear signs on the platforms and in the compartments to facilitate passengers' identification of the location of First Class compartments.

18. To further enhance the dissemination of information, the Corporation is conducting a trial in the waiting area of the First Class compartment on the platform at Fo Tan Station. A new large information stand has been erected with enhanced signage advising passengers of the location of the First Class processors. Notices in traditional and simplified Chinese as well as English are displayed to remind passengers to validate their Octopus cards on the First Class processors before travelling in the First Class compartments.

19. The Corporation's ticket inspectors are required to exercise discretion in favour of a waiver in the following instances-

- (a) Tourists including Mainland passengers who do not reside in Hong Kong, who are unfamiliar with the MTR system shall be informed of the requirement to pay a first class premium and the penalty for not paying the same. Such passengers shall be invited to pay the premium or if they choose not to do so, asked to move to other compartments with no surcharge being imposed. If such passengers refuse to pay the premium or move to other compartments the surcharge will be imposed; and
- (b) the same approach is taken in respect to elderly passengers or persons who appear to be disabled or mentally infirm.

MTR Corporation
September 2010