

For information

Legislative Council Panel on Transport

Kowloon-Canton Railway Corporation (Amendment) Bylaw 2000 and North-West Railway (Amendment) Bylaw 2000

Introduction

On 23 May 2000, the Secretary for Transport gave notice of his intention to move motions to amend the Kowloon-Canton Railway Corporation (KCRC) By-laws (Cap. 372, sub. leg. B) and North-west Railway By-laws (Cap. 372, sub. leg. E) at the Legislative Council sitting on 14 June 2000. This paper briefs Members on the contents of the legislative amendments.

Background

(a) Surcharge on East Rail passengers

2. At present, the KCRC By-laws empower the Corporation to levy those East Rail passengers travelling without a valid ticket a surcharge equivalent to a maximum of five times the standard single adult fare between Lo Wu and Hung Hom i.e. \$33. This is different from the corresponding Bylaws governing the KCRC Light Rail and the Mass Transit Railway (MTR), both of which set the surcharge at fifty times of the maximum adult single fares on the respective railways. At present, the surcharges on the East Rail, Light Rail and MTR passengers are \$160, \$290 and \$500 respectively. The KCRC intends to bring the surcharge on East Rail to a level comparable to the Light Rail and the MTR.

3. In line with the arrangements for the Light Rail and the MTR, the KCRC has amended its By-laws to give it the flexibility to increase the surcharge on East Rail passengers to a maximum of fifty times of the highest standard class single fare. Apart from providing an effective deterrent on fare evasion, the increase in surcharge also ensures effective operation of the Lo Wu quota system which is an important contingent measure to manage congestion and crowd control at Lo Wu during festive periods.

(b) Request of Telephone Numbers

4. At present, the Mass Transit Railway By-laws (Cap. 270, sub. leg.) empower the MTRC to require a person who is reasonably suspected of committing or attempting to breach the relevant By-laws (e.g. fare evasion) to give his personal particulars, including telephone number, for enforcement purposes.

5. Having reviewed its East Rail and Light Rail operation, the KCRC has made similar amendments to its Bylaws to enable its staff to obtain the telephone number, in addition to name and address, of those passengers who are not able to pay the surcharge on the spot. This will enable the KCRC staff to follow-up with these passengers to remind them of the need to pay the outstanding surcharges within 14 days or to ensure the summons will be served to the correct address. The KCRC has consulted the Office of the Privacy Commissioner which indicated no objection to the legislative amendments.

(c) Others

6. To keep in pace with recent changes in technology, it is necessary for the definition of “Smart card” in the KCRC By-laws and North-west Railway By-laws to be amended to include a “chip”. In addition, the KCRC has amended the KCRC By-laws to replace ‘Kowloon Station’ by “Hung Hom Station” to avoid confusion with other station bearing a similar name.

Legislative Amendments

7. The KCRC made the By-law amendments at Annex on 12 May 2000 pursuant to section 31(1) of the KCRC Ordinance. In accordance with section 31(2) of the Ordinance, all Bylaws made by the Corporation are subject to approval of the Legislative Council.

Transport Bureau
24 May 2000

KOWLOON-CANTON RAILWAY CORPORATION (AMENDMENT) BYLAW 2000

(Made by the Corporation under section 31 of the
Kowloon-Canton Railway Corporation Ordinance
(Cap. 372) subject to the approval of
the Legislative Council)

1. Interpretation

By-law 2 of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg.) is amended -

- (a) in the definition of "smart card", by adding "or chip" after "a card";
- (b) by repealing the definition of "surcharge" and substituting -
 ""surcharge" (附加費) means a sum equivalent up to fifty times the maximum standard class single fare, as the same is in force from time to time;"

2. Plan showing restricted areas

By-law 79(3) is amended by repealing "Kowloon Station" and substituting "Hung Hom Station".

3. Inspection of identity cards and arrest

By-law 104(1) is amended by adding", telephone number" after "name".

This Bylaw is made this 12th day of May 2000 pursuant to section 31 of the Kowloon-Canton Railway Corporation Ordinance.

The Seal of the Kowloon-Canton Railway Corporation is hereunto affixed by authority of the Managing Board; and signed by -

Authorized Signatory

K.Y. Yeung

Chairman & Chief Executive,

Kowloon-Canton Railway Corporation

Authorized Signatory

D A Fleming

Company Secretary,

Kowloon-Canton Railway Corporation

in the presence of

Witness

ANITA LEUNG

Witness

Esther Lo

Explanatory Note

The purpose of this Bylaw is to amend the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg.) in order -

- (a) to enhance the flexibility of the definition of "smart card" by including other forms (other than

- that of a card) in which the smart card technology may be utilized;
- (b) to provide to the Corporation the flexibility to impose surcharges up to an amount or quantum which is in line with that of other railway transport providers in Hong Kong in respect of all the railways operated by the Corporation;
- (c) to provide with clarity the name of the station to avoid confusion with other railway stations bearing similar or almost similar name; and
- (d) to enable the staff of, or persons authorized by, the Corporation to obtain the telephone number of an offender.

NORTH-WEST RAILWAY (AMENDMENT) BYLAW 2000

(Made by the Corporation under section 31 of the
Kowloon-Canton Railway Corporation Ordinance
(Cap. 372) subject to the approval of
the Legislative Council)

1. Interpretation

By-law 2 of the North-west Railway By-laws (Cap. 372 sub. leg.) is amended, in the definition of "smart card", by adding "or chip" after "a card".

2. Removal of persons from railway

By-law 40(1) is amended by adding", telephone number" after "name".

This Bylaw is made this 12th day of May 2000 pursuant to section 31 of the Kowloon-Canton Railway Corporation Ordinance.

The Seal of the Kowloon-Canton Railway Corporation is hereunto affixed by authority of the Managing Board; and signed by -

Authorized Signatory	Authorized Signatory
K.Y. Yeung	D A Fieming
Chairman & Chief Executive,	Company Secretary,
Kowloon-Canton Railway Corporation	Kowloon-Canton Railway Corporation
in the presence of	

Witness
ANITA LEUNG

Witness
Esther Lo

Explanatory Note

The purpose of this Bylaw is to amend the North-west Railway By-laws (Cap. 372 sub. leg.) in order -

- (a) to enhance the flexibility of the definition of "smart card" by including other forms (other than that of a card) in which the smart card technology may be utilized; and
- (b) to enable the officials of the Corporation to obtain the telephone number of an offender.