

立法會
Legislative Council

LC Paper No. CB(3) 735/06-07

Ref. : CB(3)/M/OR

Tel : 2869 9205

Date : 26 June 2007

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 July 2007

**Proposed resolutions under
the Mass Transit Railway Ordinance
and the Kowloon-Canton Railway Corporation Ordinance**

I forward for Members' consideration four proposed resolutions which the Secretary for Environment, Transport and Works will move at the Council meeting of 11 July 2007 under the Mass Transit Railway Ordinance and the Kowloon-Canton Railway Corporation Ordinance relating to the following subsidiary legislation respectively:

- (a) the Mass Transit Railway (Amendment) Bylaw 2007 (in *Appendix I*);
- (b) the Mass Transit Railway (North-west Railway) Bylaw (in *Appendix II*);
- (c) the Mass Transit Railway (Transport Interchange) (Amendment) Bylaw 2007 (in *Appendix III*); and
- (d) the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 (in *Appendix IV*).

The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The draft speeches, in both English and Chinese versions, which the Secretary for Environment, Transport and Works will deliver when moving the proposed resolutions, are also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

MASS TRANSIT RAILWAY ORDINANCE

RESOLUTION

(Under section 34 of the Mass Transit Railway Ordinance (Cap. 556))

RESOLVED that the Mass Transit Railway (Amendment) Bylaw 2007, made by the MTR Corporation Limited on 20 June 2007, be approved.

MASS TRANSIT RAILWAY (AMENDMENT) BYLAW 2007

CONTENTS

Section	Page
1. Commencement	4
2. Citation amended	4
3. Interpretation	4
4. By-law added	5
3A. Authorized crossing places and conditions of crossing	5
5. By-laws added	5
4A. No vehicles, animals, etc. to be brought across the railway premises	5
4B. Unauthorized structures	5
6. Damage to railway premises, trains, plant and equipment	5
7. Sewage etc. not to be placed on railway premises	6
8. Wrongfully entering or leaving trains	6
9. Conditions of issue of tickets	6
10. By-law added	7
12A. Insufficient class accommodation	7
11. Travel where ticket is lost, damaged or expired	7
12. Handing in of tickets	8
13. By-law added	8
23A. Fire hazard	8
14. Prohibition on taking certain luggage, etc. and consumption of food or beverage	8
15. Improper operation of equipment, etc.	9
16. Entrance or exit by improper means and queuing	10

17.	Entry to restricted area	10
18.	By-law added	10
	32A. Unauthorized display of materials for the purpose of advertisement, etc.	11
19.	Dealing with vehicles left on railway premises	11
20.	Parts VIIA and VIIB added	11

PART VIIA

CARRIAGE OF LUGGAGE

39A.	Conditions of carriage of luggage	11
39B.	Soliciting for handling of luggage	11

PART VIIB

CARRIAGE OF GOODS

39C.	Conditions of acceptance of goods	12
39D.	Soliciting for handling of goods	12
21.	Disposal of lost property	12
22.	Part VIIIA added	12

PART VIIIA

CROSS-BOUNDARY RESTRICTED AREAS

41A.	Interpretation	12
41B.	Gazette notice relating to cross-boundary restricted areas	13
41C.	Demarcation of cross-boundary restricted areas	13
41D.	Plan showing cross-boundary restricted areas	13
41E.	Prohibition of persons without permit in cross-boundary restricted areas	14
41F.	Conditions of issue of type of permits	14
41G.	Power to refuse issue of permits	14

41H.	Cancellation of permits	14
41I.	Notification of cancellation of permits	15
41J.	Surrender of permit by employee	15
41K.	Surrender of permit by employer	15
41L.	Notification by employer	16
41M.	Cessation of employment of permit holder	16
41N.	Exempted persons	16
41O.	Conditions for exemption	16
41P.	Lost permits	17
41Q.	Employer to report lost permits	17
41R.	Persons finding permits	17
41S.	Replacement permits	17
41T.	Exemption for Government officers	18
41U.	Power to exempt other classes of person	18
41V.	Fees	18
23.	Offences and penalties	18
24.	By-law added	18
44A.	Special and General Lien	18
25.	By-law added	19
46.	Proper law to be laws of Hong Kong	19
26.	Schedule 1 added	19
	PERMIT FEES	19
27.	Penalties	19
28.	Change of Chinese name	21

MASS TRANSIT RAILWAY (AMENDMENT) BYLAW 2007

(Made by the MTR Corporation Limited under section 34 of the Mass Transit Railway Ordinance (Cap. 556) subject to the approval of the Legislative Council)

1. Commencement

This By-law shall come into operation on the day appointed for the commencement of the Rail Merger Ordinance (11 of 2007).

2. Citation amended

By-law 1 of the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) is amended, in the Chinese text, by repealing “地下” and substituting “香港”.

3. Interpretation

By-law 2 is amended-

- (a) in the definition of "railway", by repealing “Mass Transit Railway” and substituting “railway as defined in the Ordinance excluding the North-west Railway as defined in the Ordinance”;
- (b) by repealing the definition of “Corporation”;
- (c) by repealing the definition of “restricted area”;
- (d) in the definition of "ticket", by adding ", or regarded under by-law 10(1A) as a ticket issued by or on behalf of the Corporation" after "for travel on the railway”;
- (e) by adding-

““first class ticket” (頭等車票) means a ticket bearing on it the number "1" and issued at the prevailing first class full single or return fare for the journey being made or to be made or a smart card which has had the authorization code for first class travel recorded on it by an automatic processing device immediately prior to the ticket holder entering the first class compartment;

“goods” (貨物) includes livestock and any other animal;

“railway premises” (鐵路處所) means the railway premises other than railway premises of the North-west Railway;

“railway premises of the North-west Railway”(西北鐵路處所) means that part of the railway premises as defined in the Ordinance belonging to or appertaining to the North-

west Railway but excludes any carriageway of the North-west Railway not designated by the Commissioner for the purpose of the definition of "road" under section 2 of the Road Traffic Ordinance (Cap. 374);".

4. By-law added

The following is added immediately after by-law 3-

"3A. Authorized crossing places and conditions of crossing

The Corporation may by notice stipulate periods or times at which a crossing place for animals, persons, motor vehicles, motorcycles, bicycles or other conveyances may be used over the railway premises or any part thereof and the conditions upon which such crossing place may be used."

5. By-laws added

The following are added immediately after by-law 4-

"4A. No vehicles, animals, etc. to be brought across the railway premises

No person shall pass or attempt to bring, pass, drive or conduct any motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance or any thing including animals across the railway premises or any part thereof at any time except by notice published by or on behalf of the Corporation under this by-law nor shall any such person omit to shut or refasten any gate, door, chain or barrier as soon as he and any conveyance, animal or other thing has passed through the same.

4B. Unauthorized structures

No person shall cause permit or suffer any kind of building or structure to be constructed or erected upon or remain upon the railway premises without the written authority of the Corporation."

6. Damage to railway premises, trains, plant and equipment

By-law 5 is amended-

(a) in paragraph (ba), by repealing "or";

(b) by adding-

“(bb) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any part of the railway premises;

(bc) any building and structure constructed or erected in or upon on any part of the railway premises; or”.

7. Sewage etc. not to be placed on railway premises

By-law 6 is amended by repealing everything after “suffer” and substituting-

“ ___

(a) any sewage, drainage or other offensive matter to flow onto or enter or be placed on any part of the railway premises;

(b) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation; or

(c) the water or contents of any reservoir, tank, ponds, duct or water or other container under the control of the Corporation or forming part of or being upon the railway premises or any part thereof to be used, abstracted or polluted in any way.”.

8. Wrongfully entering or leaving trains

By-law 9 is amended-

(a) by renumbering it as by-law 9(1);

(b) by adding-

“(2) No person shall interfere with any doors or gates within the railway premises including any train doors and platform screen doors.”.

9. Conditions of issue of tickets

By-law 10 is amended-

(a) by repealing the heading and substituting “**Tickets**”;

(b) by adding-

“(1A) All tickets which were issued by or on behalf of KCRC before the Merger Date and which continue to have effect

from the Merger Date until their expiry by virtue of section 3(2)(a) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 (L.N. of 2007) shall from the Merger Date be regarded as tickets issued by or on behalf of the Corporation subject to these by-laws and to the conditions of issue.”.

10. By-law added

The following is added immediately after by-law 12-

“12A. Insufficient class accommodation

(1) The Corporation shall not be liable for any failure to carry a passenger in any first class compartment of any train where there is insufficient first class accommodation . In case of such insufficient accommodation, a ticket may be refunded before the passenger in respect of whom the ticket has been issued travels on any train.

(2) Where there is insufficient first class accommodation on any train for which a ticket has been issued, a passenger holding a first class ticket may travel in standard class accommodation without the right to claim a refund of the appropriate difference in fare.”.

11. Travel where ticket is lost, damaged or expired

By-law 15 is amended-

(a) by adding immediately after paragraph (1)(a)-

“(aa) with a ticket which is invalid for travel in the carriage or compartment of the train in which the ticket holder is travelling, and in the case of a passenger travelling in a first class compartment, with a smart card which has not had the authorization code for first class travel encoded on it by an automatic processing device immediately prior to the ticket holder entering a first class compartment;”;

(b) by adding-

“(2A) For the purpose of this by-law, passengers occupying seats or standing including those in corridors or gangways in a first class compartment shall be regarded as travelling in a first class compartment.”;

- (c) in paragraph (3)-
 - (i) by repealing "Chairman or Managing Director of the Corporation (or their appointed nominee)" and substituting "Chief Executive Officer (or his appointed nominee)";
 - (ii) by repealing "said Chairman or Managing Director (or appointed nominee)" and substituting "Chief Executive Officer (or his appointed nominee)".

12. Handing in of tickets

By-law 17 is amended by adding-

" (4) No person other than a person specifically authorized by or on behalf of the Corporation to do so shall sell, attempt to sell, offer for sale or invite other persons to purchase any ticket issued by or on behalf of the Corporation."

13. By-law added

The following is added immediately after by-law 23-

"23A. Fire hazard

No person shall place or throw any lighted cigarette end, match, tobacco, liquid, substance or any other thing upon the railway premises in a manner which constitutes or is likely to constitute a fire hazard."

14. Prohibition on taking certain luggage, etc. and consumption of food or beverage

By-law 27 is amended-

- (a) in paragraph (a), by adding-
 - (i) "injury to any person or" after "without risk of";
 - (ii) "any" after "damage to";
- (b) in paragraph (b)-
 - (i) by repealing "a train or";
 - (ii) by adding "(except any train for the carriage of passengers to Hong Kong from any other part of China or vice versa by the Corporation or by third parties)" after "paid area".

15. Improper operation of equipment, etc.

By-law 28A is amended-

- (a) in paragraph (1), by repealing "except an official" and substituting "unless authorized by the Corporation";
- (b) in paragraph (1)(a), by repealing "work" and substituting "interfere with";
- (c) in paragraph (1)(a)(i)-
 - (i) by repealing "mechanical or" and substituting "mechanical,";
 - (ii) by adding ", electronic, telecommunications or other" after "electrical";
 - (iii) by adding "owned by or under the control of the Corporation" after "appliance";
- (d) in paragraph (1)(a)(ii)-
 - (i) by repealing "mechanical or" and substituting "mechanical,";
 - (ii) by adding ", electronic, telecommunications or other" after "electrical";
 - (iii) by adding "owned by or under the control of the Corporation" after "appliance";
- (e) in paragraph (1)(b)-
 - (i) by repealing "mechanical or" substituting "mechanical,";
 - (ii) by adding ", electronic, telecommunications or other" after "electrical";
 - (iii) by adding "owned by or under the control of the Corporation" after "appliance";
- (f) in paragraph (1)(f), by repealing "without authority to do so";
- (g) in paragraph (1)(g), by adding ", passes or entry cards" after "keys";
- (h) in paragraph (2)-
 - (i) by repealing "mechanical or" and substituting "mechanical,";

- (ii) by adding ", electronic, telecommunications or other" after "electrical".

16. Entrance or exit by improper means and queuing

By-law 28C is amended-

- (a) by renumbering it as by-law 28C(1);
- (b) by adding-

"(2) No person except a member of the staff of the Corporation or an official shall enter or leave or attempt to enter or leave any train whilst it is in motion or (except in case of accident or other emergency) between stations or otherwise than at the side of the train adjoining the platform appointed for passengers to enter or leave the train.

(3) The Corporation may establish queues on the railway premises for the purpose of regulating the access to services and facilities provided on or in the vicinity of the railway premises.

(4) Every person desirous of availing himself of any such service or facility described in paragraph (3) shall, upon notice or request by a member of the staff of the Corporation or an official, take up position in the rear of one of such queues established pursuant to paragraph (3) and move forward in an orderly and regular manner, and obey the reasonable instructions of any member of the staff of the Corporation or official regulating such queues."

17. Entry to restricted area

By-law 28E is amended-

- (a) by repealing "No" and substituting "Unless authorized by the Corporation, no";
- (b) by repealing "a restricted area unless authorized by the Corporation" and substituting "any area declared by the Corporation, by notices, signs or any other manner as will reasonably indicate the same as restricted area".

18. By-law added

The following is added immediately after by-law 32-

“32A. Unauthorized display of materials for the purpose of advertisement, etc.

No person while upon the railway premises shall, except by permission of a member of the staff of the Corporation or an authorized person, display or exhibit any printed, written or pictorial matter or any article for the purpose of advertisement or publicity.”.

19. Dealing with vehicles left on railway premises

By-law 34 is amended-

- (a) in paragraph (2)-
 - (i) by repealing “As soon as practicable after a vehicle has been detained under paragraph (1)” and substituting “If a vehicle detained under paragraph (1) is not claimed and removed and all costs and expenses are not paid within 3 days after its detention”;
 - (ii) by adding “where practicable except in the case of emergency” after “Corporation shall”;
- (b) in paragraph (3), by adding “or, if the service of such notice is impracticable, within 14 days of the date of its first detention” after “paragraph (2)”.

20. Parts VIIA and VIIB added

The following are added immediately after Part VII-

"PART VIIA

CARRIAGE OF LUGGAGE

39A. Conditions of carriage of luggage

The Corporation shall only accept luggage for carriage on the railway subject to these by-laws and the conditions of carriage of luggage set out from time to time in notices published by the Corporation.

39B. Soliciting for handling of luggage

No person other than an official or a person licensed by the Corporation to do so shall solicit for engagement in or for the handling or moving or transport of any luggage or any item thereof for reward.

PART VIIB

CARRIAGE OF GOODS

39C. Conditions of acceptance of goods

(1) The Corporation shall accept goods for carriage on the railway or storage subject to these by-laws and the conditions of carriage of goods set out from time to time in notices published by the Corporation.

(2) The Corporation reserves the right at its absolute discretion to refuse any goods for carriage on the railway, and to open or examine such goods and remove them to a safe place. The Corporation may, without being liable, remove or dispose of any goods which might in its opinion cause injury or nuisance to persons or damage to property.

39D. Soliciting for handling of goods

No person other than a person licensed by the Corporation to do so shall solicit for engagement in or for the handling or moving or transport of any goods or item thereof for reward."

21. Disposal of lost property

By-law 41(1)(c) is amended by repealing "3 months" and substituting "1 month".

22. Part VIIIA added

The following is added immediately after Part VIII-

"PART VIIIA

CROSS-BOUNDARY RESTRICTED AREAS

41A. Interpretation

In this Part, unless the context otherwise requires-

"authorized employee" (獲授權僱員) means an employee of the Corporation or other person authorized in writing by the Corporation for the purposes of any by-law in this Part;

"cross-boundary restricted area" (過境限制區) means for the purposes of this Part an area declared under by-law 41B to be a cross-boundary restricted area, such area being an area referred to in sections 34(1A)(b) and 35(6) of the Ordinance;

"permit" (許可證) means any permit issued under this Part or any permit that is regarded under by-law 41F(2) as a permit issued by the Corporation under this Part;

“permit holder” (許可證持有人) means-

- (a) in relation to a pool permit, the authorized employee to whom the permit is issued and includes any person using a pool permit by authority of such authorized employee; and
- (b) in relation to a standard permit, the person in whose name the permit is issued;

“pool permit” (共用許可證) means a permit issued to an authorized employee under by-law 41F(1);

“standard permit” (標準許可證) means a permit issued to a person under by-law 41F(1).

41B. Gazette notice relating to cross-boundary restricted areas

(1) The Corporation may, by notice published in the Gazette, declare any area within the railway premises including the paid area to be a cross-boundary restricted area.

(2) A declaration under paragraph (1) may declare any area to be a cross-boundary restricted area either absolutely or on specified days or during specified hours in any day.

41C. Demarcation of cross-boundary restricted areas

The Corporation shall cause the boundaries of or entrances to every cross-boundary restricted area to be demarcated by signs or in such other manner as will reasonably indicate the cross-boundary restricted area to members of the public who might enter that area.

41D. Plan showing cross-boundary restricted areas

(1) The Chief Executive Officer may prepare and certify a plan delineating the area and boundaries of any cross-boundary restricted area and shall from time to time prepare and certify a new plan in substitution therefor and may from time to time endorse on such plan or substituted plan any amendment thereto and shall certify such endorsement.

(2) The Chief Executive Officer shall certify any plan or amendments thereto under paragraph (1) by endorsing the certificate on the plan.

(3) Every plan certified under this by-law shall be kept in the head office of the Corporation and a copy shall be available for public inspection at the Station Manager's office at the Hung Hom Station.

41E. Prohibition of persons without permit in cross-boundary restricted areas

Subject to the provisions of this Part, no person shall enter or remain in a cross-boundary restricted area unless he has on his person a valid permit issued to him in respect of that area.

41F. Conditions of issue of type of permits

- (1) Subject to by-law 41G, the Corporation may issue-
- (a) a pool permit to any authorized employee free of charge; and
 - (b) a standard permit to any other person on an application being made therefor in accordance with conditions specified from time to time by the Corporation and on payment of the prescribed fee set out in Schedule 1,

and the pool permit or standard permit, whichever is appropriate, shall be in such form and be issued subject to such conditions as may be specified by the Corporation from time to time.

(2) Without prejudice to the generality of the power of the Corporation to cancel any permit under by-law 41H, all permits which were issued by the KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(b) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 (L.N. of 2007) shall from the Merger Date be regarded as permits issued by the Corporation under this Part.

41G. Power to refuse issue of permits

The Corporation may refuse to issue a permit if it appears to it that the person requiring the permit or for whom it is required-

- (a) is, for any reason related to or connected with the security of the railway, not a fit person to have access to a cross-boundary restricted area; or
- (b) has no valid or sufficient reason for having access to a cross-boundary restricted area.

41H. Cancellation of permits

The Corporation-

- (a) shall cancel a permit if it appears to it that the permit holder-
 - (i) is, for any reason related to or connected with the security of the railway, not a fit person to have access to a cross-boundary restricted area; or
 - (ii) has no valid or sufficient reason for having access to a cross-boundary restricted area; and
- (b) may cancel a permit-
 - (i) on the ground that any condition subject to which it was issued has been contravened;
 - (ii) on the ground that the permit holder or his employer has contravened any of these by-laws; or
 - (iii) in any case where it is satisfied that the permit has been lost, destroyed or defaced.

41I. Notification of cancellation of permits

When a permit is cancelled under by-law 41H, the Corporation shall notify the permit holder and, if the Corporation thinks fit, the employer (if any) of the permit holder accordingly.

41J. Surrender of permit by employee

A permit holder shall, upon receipt of a notice under by-law 41I, save where the notice relates to a permit which has been lost or destroyed, forthwith surrender his permit to-

- (a) the Corporation;
- (b) an authorized employee specified in the notice for the purpose; or
- (c) the employer of the permit holder if specified in the notice for the purpose.

41K. Surrender of permit by employer

An employer to whom a permit has been surrendered by virtue of a notice under by-law 41I shall forthwith surrender that permit to the Corporation or an authorized employee specified in the notice.

41L. Notification by employer

The employer of a permit holder shall, if the nature of the employment of the permit holder no longer requires that he has access to any cross-boundary restricted area specified in his permit, or if the permit holder ceases to be employed by him, without delay-

- (a) inform the Corporation accordingly;
- (b) take possession of the permit from the permit holder; and
- (c) surrender the permit to the Corporation.

41M. Cessation of employment of permit holder

A permit holder who ceases to be employed by the person who was his employer at the date of the issue of the permit shall, immediately upon the cessation of his employment, surrender his permit to that person.

41N. Exempted persons

Subject to by-law 41O, the provisions of by-law 41E shall not apply to-

- (a) any bona fide train crew member or bona fide train passenger who is in the course of passage through any immigration control or train boarding area or in an area set aside for the purposes of the Customs and Excise Service, which is within a cross-boundary restricted area-
 - (i) having disembarked from a train; or
 - (ii) for the purpose of embarking upon a train of which he is a train crew member or train passenger; or
- (b) any bona fide train passenger awaiting an outward train journey in any area reserved for passengers which is within a cross-boundary restricted area.

41O. Conditions for exemption

No person shall be exempt from the provisions of by-law 41E by virtue of by-law 41N unless –

- (a) being a train crew member, he is in possession of a valid railway personnel pass issued pursuant to an agreement between the Corporation and any third party which provides any service for the carriage of freight or passengers to Hong Kong

from any other part of China and vice versa with the Corporation;

- (b) being a departing passenger, he is in possession of a valid travel document and a valid ticket; or
- (c) being an arriving passenger, he is in possession of a valid travel document,

and the train from which he has disembarked or upon which he is embarking or awaiting, is a through train travelling from or to any part of China other than Hong Kong.

41P. Lost permits

If a permit has been lost, the permit holder shall, without delay, report the loss and the circumstances thereof to-

- (a) his employer (if any) or, where the permit holder has no employer or is himself an employer, to the Corporation or an authorized employee; and
- (b) the officer in charge of the police station nearest the place where the permit holder ordinarily resides.

41Q. Employer to report lost permits

Where a report has been received by an employer as to the loss of a permit and the circumstances thereof, he shall, without delay, report such loss and the circumstances thereof to the Corporation.

41R. Persons finding permits

Any person who finds a permit shall, without unreasonable delay, deliver it to the Corporation or any authorized employee or to the officer in charge of any police station.

41S. Replacement permits

Where a permit has been lost, destroyed or defaced, application may be made to the Corporation by the person to whom the permit has been issued or the employer of that person for the issue of a replacement permit and the Corporation, upon being satisfied as to such loss, destruction or defacement, may, upon payment of the prescribed fee set out in Schedule 1 in the case of an applicant who is not an authorized employee, issue to the permit holder a replacement permit in substitution for the permit which has been lost, destroyed or defaced.

41T. Exemption for Government officers

By-law 41E shall not apply to a police officer, an immigration officer or immigration assistant within the meaning of section 2(1) of the Immigration Ordinance (Cap. 115), an officer of the Fire Services Department, a member of the Chinese People's Liberation Army, a member of the Customs and Excise Service within the meaning of the Customs and Excise Service Ordinance (Cap. 342), the Commissioner, the Deputy Commissioner or an officer of the Independent Commission Against Corruption who requires access to the railway premises or any part thereof for the performance of his duty in circumstances of such urgency that the performance of his duty might be frustrated or seriously impaired if such by-law was to apply to him.

41U. Power to exempt other classes of person

The Corporation may, by notice in writing and subject to such conditions as it may impose, exempt any person or class of person from all or any of the requirements for entry into a cross-boundary restricted area.

41V. Fees

The fees prescribed under these by-laws are set out in Schedule 1."

23. Offences and penalties

By-law 43 is amended by repealing "the Schedule" and substituting "Schedule 2".

24. By-law added

The following is added immediately after by-law 44-

"44A. Special and General Lien

(1) Without prejudice to the generality of any of these by-laws, the Corporation shall have a special lien on all motor vehicles, motorcycles, bicycles or any similar conveyance or on luggage, goods or articles howsoever brought by any person upon the railway premises including any train of the Corporation and accepted for carriage on the railway or storage by the Corporation under by-law 39C and shall also have a general lien against the owner of any such motor vehicles, motorcycles, bicycles, similar conveyances, luggage, goods or articles for any sum of money howsoever due on any account from such person or owner to the Corporation.

(2) If any lien is not satisfied within a reasonable time, the Corporation may, in its absolute discretion, sell the motor vehicles, motorcycles, bicycles or similar conveyances or the luggage, goods and articles or any part of them and apply the proceeds so arising in or towards the discharge of such lien including for the expenses of sale; and the balance of any proceeds if unclaimed within a period of 4 weeks following the sale shall become the general revenue of the Corporation free from any claims in relation thereto. "

25. By-law added

The following is added immediately after by-law 45-

"46. Proper law to be laws of Hong Kong

(1) Any dispute howsoever arising directly or indirectly under or in respect of these by-laws or any of them in regard to any matter, act, event, or thing of whatsoever nature arising or occurring hereunder shall be governed by and interpreted in accordance with the laws of Hong Kong wherever the matter, act, event or thing shall take place and whatever the nationality, domicile or usual place of residence of any person or party to such dispute and every action or claim arising directly or indirectly therefrom brought by or against the Corporation shall be and the same is hereby submitted to the exclusive jurisdiction of a competent court of jurisdiction in Hong Kong.

(2) It is hereby expressly agreed and declared by the persons or parties to whom these by-laws and any special conditions made hereunder refer that the Corporation is resident in Hong Kong and that the exercise of its central management and control is exercised in Hong Kong."

26. Schedule 1 added

The following is added-

"SCHEDULE 1

PERMIT FEES

[by-laws 41F,
41S & 41V]

Item	Description	Fee
1.	For a standard permit issued under by-law 41F(1)(b)	\$30.00
2.	For a replaced standard permit issued under by-law 41S	\$30.00".

27. Penalties

The Schedule is amended-

- (a) by repealing "SCHEDULE" and substituting "SCHEDULE 2";
- (b) in the entry relating to by-law 28C-
 - (i) in the first column, by repealing "28C" and substituting "28C(1) and (2)";

- (ii) in the second column, by repealing "and queuing";
- (c) in the entry relating to by-law 31, in the third column, by repealing "3 months imprisonment";
- (d) by adding-
- | | | |
|-----|--|--|
| "4A | Bringing vehicles, animals, etc. across the railway premises | \$5,000 fine and 6 months imprisonment |
| 4B | Unauthorized structures | \$5,000 fine and 6 months imprisonment"; |
- (e) by adding-
- | | | |
|--------|-----------------|----------------|
| "17(4) | Sale of tickets | \$5,000 fine"; |
|--------|-----------------|----------------|
- (f) by adding-
- | | | |
|------|-------------|--|
| "23A | Fire hazard | \$5,000 fine and 6 months imprisonment"; |
|------|-------------|--|
- (g) by adding-
- | | | |
|---------|------------------|----------------|
| "28C(4) | Failure to queue | \$2,000 fine"; |
|---------|------------------|----------------|
- (h) by adding-
- | | | |
|------|--|-----------------|
| "32A | Unauthorized display of materials for the purpose of advertisement, etc. | \$5,000 fine "; |
|------|--|-----------------|
- (i) by adding-
- | | | |
|------|------------------------------------|-----------------|
| "39B | Soliciting for handling of luggage | \$5,000 fine |
| 39D | Soliciting for handling of goods | \$5,000 fine "; |
- (j) by adding-
- | | | |
|------|--|--|
| "41E | Entry to cross-boundary restricted area | \$5,000 fine and 6 months imprisonment |
| 41J | Failure of employee to surrender cancelled permit | \$1,000 fine |
| 41K | Failure of employer to surrender cancelled permit | \$1,000 fine |
| 41L | Failure of employer to notify and surrender permit | \$1,000 fine |

41M	Failure of permit holder to surrender permit upon cessation of employment	\$1,000 fine
41P	Failure of permit holder to report loss of permit	\$1,000 fine
41Q	Failure of employer to report loss of permit	\$1,000 fine
41R	Failure to deliver lost permit upon discovery	\$1,000 fine".

28. Change of Chinese name

(1) The following by-laws are amended, in the Chinese text, by repealing “地鐵公司” wherever it appears and substituting “港鐵公司”-

- (a) by-law 2 (the definitions of “人員”, “列車”, “車票”, “車票發出條件”, “車費” and “票務處”);
- (b) by-law 3;
- (c) by-law 4;
- (d) by-law 8;
- (e) by-law 10;
- (f) by-law 11;
- (g) by-law 12;
- (h) by-law 16;
- (i) by-law 17;
- (j) by-law 20;
- (k) by-law 26;
- (l) by-law 26A;
- (m) by-law 28A;
- (n) by-law 28E;
- (o) by-law 28H;

- (p) by-law 30;
- (q) by-law 32;
- (r) by-law 33;
- (s) by-law 34;
- (t) by-law 39;
- (u) by-law 41;
- (v) by-law 44;
- (w) by-law 45.

(2) By-law 2 is amended, in the Chinese text, in the definition of “車票發出條件”, by repealing “地鐵車站” and substituting “港鐵車站”.

(3) By-law 28 is amended, in the Chinese text, by repealing “鐵路公司” and substituting “港鐵公司”.

(4) By-law 44 is amended, in the heading, in the Chinese text, by repealing “地鐵公司” and substituting “港鐵公司”.

Made under the Common Seal of the MTR Corporation Limited on 20 June 2007.

The Common Seal of the
MTR Corporation Limited
was affixed hereto in the presence of

C.K. CHOW
Chief Executive Officer

L.B. TURK
Secretary

Explanatory Note

The objects of this by-law are to amend the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) ("MTRB") to provide the necessary legislative framework for the operation by the Corporation of the KCRC Railways excluding the North-west Railway and to make changes consequential to the change of the Chinese name of MTR Corporation Limited (地鐵有限公司) to the MTRB. The amendments in this by-law are not intended to deal with the regulation of any fare payable for using any railway service or bus service operated by the Corporation.

2. Section 2 amends the Chinese citation of MTRB.
3. Section 3 amends certain existing definitions in MTRB and adds new definitions.
4. Section 4 adds a new by-law to provide for notices in relation to crossing places.
5. Section 5 adds new by-laws to Part II of MTRB to regulate the bringing of conveyances, animals etc. across the railway premises and to prohibit unauthorized construction or erection of structures upon the railway premises.
6. Section 6 expands by-law 5 of MTRB to include erections, buildings and structures constructed or erected in or upon the railway premises.
7. Section 7 expands by-law 6 of MTRB to restrict construction materials from coming upon the railway premises and prohibit use, abstraction or pollution of water under the control of the Corporation.
8. Section 8 amends by-law 9 of MTRB to prohibit interference with doors or gates within the railway premises.
9. Section 9 amends by-law 10 of MTRB to provide for validity of tickets issued by KCRC.
10. Section 10 adds a new by-law to Part III of MTRB to provide for situations where accommodation on any particular train or in any particular class is insufficient.
11. Section 11 amends by-law 15 of MTRB to accommodate the ticketing system of the KCRC Railways (excluding the North-west Railway) which consists of different classes of tickets and to change references to the Chairman or Managing Director to the Chief Executive Officer.
12. Section 12 adds new provisions to by-law 17 of MTRB to prohibit ticket sales by unauthorized persons.
13. Section 13 adds a new by-law to safeguard against fire hazards on the railway premises.
14. Section 14 amends by-law 27 of MTRB to-
 - (a) prohibit luggage, etc. of which the accommodation may cause personal injuries from being brought onto the railway premises; and

- (b) allow food and beverages on passenger trains to Hong Kong from other parts of China or vice versa.
15. Section 15 amends by-law 28A of MTRB to-
- (a) provide for operation of appliance, etc. upon the railway premises by authorized persons other than officials;
 - (b) prohibit interference with such appliance, etc.;
 - (c) specify that the appliance regulated by by-law 28A is the appliance owned by or under the control of the Corporation; and
 - (d) add to the types of appliance which should not be improperly operated, moved or interfered with and the types of tools used to access doors or gates inside the railway premises.
16. Section 16 adds new provisions to by-law 28C of MTRB to restrict people from entering and leaving trains in motion, etc. and to provide for the establishment of queues.
17. Section 17 incorporates the definition of “restricted area” in MTRB into by-law 28E.
18. Section 18 adds a new by-law to prohibit unauthorized display or exhibition of printed, written or pictorial matter or articles for the purpose of advertisement, etc..
19. Section 19 aligns by-law 34 of MTRB with the provisions in the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) (“KCRCB”) in relation to vehicles left on the railway premises and makes changes consequential to this alignment to by-law 34 of MTRB.
20. Section 20 adds new Parts to MTRB to provide for carriage of luggage and goods by the Corporation.
21. Section 21 amends the length of the period for which the Corporation is required to retain certain lost property as provided in by-law 41 of MTRB.
22. Section 22 adds a new Part to MTRB to control access to the cross-boundary restricted areas.
23. Section 23 amends by-law 43 of MTRB to reflect the addition of a new Schedule to MTRB.
24. Section 24 adds a new by-law to grant the Corporation special and general liens over conveyance, articles, etc. brought upon the railway premises.
25. Section 25 adds a new by-law to provide that disputes arising under or in respect of MTRB shall be governed and interpreted in accordance with the laws of Hong Kong.

26. Section 26 adds a new Schedule to specify permit fees for cross-boundary restricted areas.

27. Section 27 amends the Schedule of MTRB to align penalties for certain offences under MTRB with those specified in KCRCB for similar offences and to add new offences and penalties to reflect the amendments to MTRB.

28. Section 28 provides for amendments consequential to the change of the Chinese name of MTR Corporation Limited (地鐵有限公司) .

**Speech by the Secretary for Transport and Housing
in moving Resolution under the Mass Transit Railway Ordinance
at the Legislative Council Meeting**

Mass Transit Railway (Amendment) Bylaws 2007

(DRAFT)

Madam President,

I move that the resolution as set out under my name on the Agenda be passed.

Following the passage of the Rail Merger Bill on 8 June 2007, the railway corporations need to exercise their powers under the relevant ordinances to amend some of their existing bylaws for the implementation of the rail merger. The four resolutions that I will move today involve amendments to four sets of bylaws.

Amendments to each set of bylaws require a separate resolution. Therefore, I will move four resolutions in succession for decision. I will first give an overall introduction to this bylaw amendment exercise as a whole to give you a full picture of the purposes of these amendments, and then focus on introducing the first resolution. I will then deal with the three other resolutions when I speak again later.

The bylaw amendment exercise seeks to modify or expand the existing bylaws made under the Mass Transit Railway Ordinance (“MTR Ordinance”) as necessary

for the implementation of the rail merger, using the existing Mass Transit Railway By-laws (“MTR Bylaws”) as the basis, such that the post-merger corporation (“MergeCo”) can operate both the MTR and KCR systems under one uniform set of bylaws. As for the Light Rail and the bus services of the Kowloon-Canton Railway Corporation (“KCRC”) in the North-west Transit Service Area (“TSA bus services”), as they are now covered by a separate set of North-west Railway By-laws (“NWR Bylaws”) made by KCRC, the MTR Corporation Limited (“MTRCL”) will use this set of bylaws as the basis to formulate the Mass Transit Railway (North-west Railway) Bylaw under the empowering provision of the amended MTR Ordinance for the operation of the Light Rail and TSA bus services by MergeCo after the rail merger.

The House Committee of this Council has set up a subcommittee in end May to study these sets of bylaws in draft. In this connection, I would like to extend my sincere gratitude to the Chairman of the subcommittee, the Hon Miriam LAU Kin-ye, the Deputy Chairman, the Hon TAM Yiu-chung, and all the other Members of the subcommittee, for the valuable time and effort they have spent in the exercise. The two railway corporations have been able to make reference to Member’s valuable comments on individual provisions in the draft bylaws in finalizing the proposed amendments. Taking into account the subcommittee’s suggestions, the railway corporations have made suitable amendments to the draft bylaws. These sets of bylaws now tabled to this Council have already incorporated all such amendments.

It is the common view of many members of the subcommittee that the framework for operating the MTR has been well established and its implementation is

smooth and acceptable to the public. As regards penalty provisions, it is noted that the maximum levels of penalties under the bylaws of the two railway corporations are not entirely the same, with the penalty levels under MTR Bylaws being lighter in general. The subcommittee considered it more desirable to adopt the penalty levels stipulated in the existing MTR Bylaws after the rail merger, whereas for the additional proposed provisions to be brought across from the Kowloon-Canton Railway Corporation By-laws (“KCRC Bylaws”), the existing penalty levels applied by KCRC Bylaws can be adopted. The suggestion has been accepted by MTRCL.

In addition to the necessary amendments to the bylaws as a result of the rail merger, some members also suggested that considerations should be given to amend certain existing provisions of the MTR Bylaws, for example, the possibility of reducing the maximum level of penalty for illegal hawking on railway premises in this exercise. But it is noted that some other Members have expressed reservation about this suggestion. On the other hand, one Member proposed at a subcommittee meeting that those existing bylaws which are not related to the rail merger should also be reviewed and considered for amendment in this exercise.

After listening to Members’ views, MTRCL agreed to review such other existing provisions from an overall perspective taking into account Members’ suggestions. MTRCL has undertaken to conduct a comprehensive review on the bylaws in the light of the views expressed by Members of the subcommittee. The review will be completed after it has gained experience in operating the integrated railway system and the Corporation will put forward detailed amendment proposals to

the relevant Panel or committee within 12 months of the merger. The subcommittee has indicated agreement to MTRCL's proposed arrangements and timetable for the comprehensive review, taking into consideration that MergeCo should be given time to familiarize itself with the operation of the integrated railway system such that MergeCo can make reference to the actual experience in the review.

I believe all of us now are clear about the overall purposes of this amendment exercise. I would like to turn to the first resolution that I am going to move.

This resolution deals with amendments to the existing MTR Bylaws. The objective of MTRCL's proposed amendments is to bring across the relevant existing provisions of the KCRC Bylaws that are required for the operation of the KCRC railways to the MTR Bylaws, as there are no corresponding provisions in the existing MTR Bylaws. The amendments mainly fall into the following categories:

- (a) Existing provisions of the KCRC Bylaws in the following two categories will be brought across to the MTR Bylaws:
 - (i) provisions relating to intercity pPassenger and freight service;
 - (ii) provisions that cater for the unique features of KCRC's operation, such as the existence of first class compartments;

- (b) the Chinese title of the MTR Bylaws will need to be changed from 《地下鐵路附例》 to 《香港鐵路附例》 as a consequence of the change of the Chinese name of MTRCL from 「地鐵有限公司」 to 「香港鐵路有限公司」 upon the merger. Reference to the Chinese name of the Corporation in the MTR Bylaws will need to be amended accordingly as well; and
- (c) other consequential amendments.

With regard to the concern expressed by the subcommittee over the penalty level under this set of bylaws, I would like to supplement that they represent the maximum levels of penalty for contravention of the relevant bylaws, whilst it would remain a matter for the Magistracy to decide on the actual penalty to be applied in each case based on the circumstances of the individual cases. MTRCL has accepted the suggestion of the subcommittee to continue to adopt the existing penalty levels under the existing MTR Bylaws after the merger. As for the additional provisions which are not contained in the existing MTR Bylaws, they will apply the existing penalty levels for the corresponding provision in the KCRC Bylaws. The subcommittee acknowledged the principle adopted by MTRCL that provisions on imprisonment as a penalty will be retained if the contravention of the relevant provisions have railway safety or security implications.

The two railway corporations have also explained to the subcommittee that as their established practice in enforcing the bylaws, they would first seek to obtain the co-operation from the person concerned by giving advice, and it is only when this is

not effective that they would take further actions such as issuing warnings. The MergeCo will adopt the same enforcement approach.

Subject to Members' approval of this resolution today, the proposed amendments to this set of bylaws will come into operation on the date of merger implementation. I hope that Members will support the resolution.

Madam President, I beg to move.

MASS TRANSIT RAILWAY ORDINANCE

RESOLUTION

(Under section 34 of the Mass Transit Railway Ordinance (Cap. 556))

RESOLVED that the Mass Transit Railway (North-west Railway) Bylaw, made by the MTR Corporation Limited on 20 June 2007, be approved.

MASS TRANSIT RAILWAY (NORTH-WEST RAILWAY) BYLAW

CONTENTS

Section	Page
PART 1	
PRELIMINARY	
1. Commencement and interpretation	4
PART 2	
TICKETS AND FARES	
2. Tickets	5
3. Fares	5
4. Tickets contain no warranty or acceptance of liability	5
5. Entry and travel prohibited without payment of fare	6
6. Production of tickets and surcharge	6
7. Damaging and using damaged tickets	7
8. Failures to pay fare, etc.	7
9. Travel without a ticket or with expired or inappropriate ticket	7
10. Passengers to examine tickets and change	8
11. Exchanges and refunds	9
12. Children travelling on buses and the railway	9
13. Refusal of access	9
PART 3	
TRESPASS AND DAMAGE TO BUSES AND THE RAILWAY	
14. Trespass and removal of trespassers	9
15. Offensive matter, materials, etc.	10
PART 4	
CONDUCT OF PERSONS ON BUSES AND THE RAILWAY	
16. Unlawful use of equipment on buses and the railway	10
17. Indemnities for damage caused to persons and property	11
18. Compliance with notices	11
19. Feet not to be placed on seats	11
20. Smoking prohibited	11
21. Spitting and litter prohibited	11
22. Nuisance	12

23.	Passengers in unfit or improper condition	12
24.	Singing, dancing and musical instruments prohibited	12
25.	Prohibited items	12

PART 5

HAWKERS, LOITERERS AND BILL POSTING

26.	Unauthorized bill posting, advertising and touting	13
27.	Hawking prohibited	13
28.	Loitering prohibited	13

PART 6

VEHICLES ON THE RAILWAY PREMISES

29.	Vehicles not to be left on railway premises	14
30.	Dealing with vehicles left on railway premises	14
31.	Drivers to comply with traffic signs	14
32.	Dangerous driving.....	15
33.	Vehicles prohibited on certain parts of railway premises	15

PART 7

DANGEROUS GOODS

34.	Dangerous goods.....	15
-----	----------------------	----

PART 8

LOST PROPERTY

35.	Lost property	15
36.	Disposal of lost property	15

PART 9

LIMITATION OF LIABILITIES

37.	Payment of sums sufficient to indemnify Corporation	16
38.	Limitations and exemptions	16

PART 10

ENFORCEMENT AND PENALTIES

39.	Removal of persons from railway	17
40.	Penalties	17

41. Preservation of other causes of action	17
Schedule Penalties	17

MASS TRANSIT RAILWAY (NORTH-WEST RAILWAY) BYLAW

(Made by the MTR Corporation Limited under section 34 of the Mass Transit Railway Ordinance (Cap. 556) subject to the approval of the Legislative Council)

PART 1

PRELIMINARY

1. Commencement and interpretation

(1) This Bylaw shall come into operation on the day appointed for the commencement of the Rail Merger Ordinance (11 of 2007).

(2) In this Bylaw, unless the context otherwise requires -
"automatic processing device" (自動處理裝置) means a processing device used by the Corporation for the automatic collection of fares;

"bus" (巴士) means a bus as defined in the Road Traffic Ordinance (Cap. 374) and operated by or on behalf of the Corporation within the North-west Transit Service Area;

"Corporation" (公司) means the MTR Corporation Limited;

"fare" (車費) means the fare payable by any passenger for travel on any bus or on the railway irrespective of whether a ticket is issued to him by or on behalf of the Corporation for travel on any bus or on the railway;

"invalid ticket" (失效車票) means a ticket -

- (a) for which the period of validity has expired; or
- (b) which is invalid for travel on any bus or on the railway in which the ticket holder is travelling; or
- (c) which the passenger is not entitled to use pursuant to the conditions of use contained or referred to in any other publications, notices, lists or tables relating to such ticket or travel; and
- (d) in case of a smart card includes a smart card which has not had the appropriate authorization code recorded on it by an automatic processing device immediately before the ticket holder travels or attempts to travel on any bus or boards or attempts to board any vehicle of the North-west Railway or travels or attempts to travel on any such vehicle;

"official" (人員) means any person duly authorized to act on behalf of the Corporation and includes any employee, servant or lawfully appointed agent of the Corporation;

"passenger" (乘客) means a person who has paid a fare or on whose behalf a fare has been paid and who is lawfully travelling on any bus or the railway during the hours of business of the Corporation irrespective of whether a ticket is issued to him or on his behalf or has been otherwise acquired by him for such purpose;

"personalized ticket" (個人車票) means a ticket which has been issued to the person or individual identified on the ticket;

"railway" (鐵路) means the North-west Railway;

"railway premises" (鐵路處所) means railway premises belonging to or appertaining to the North-west Railway but excludes any carriageway of the North-west Railway not

designated by the Commissioner for Transport for the purpose of the definition of "road" under section 2 of the Road Traffic Ordinance (Cap. 374);

"smart card" (聰明卡) means a card or chip issued by or on behalf of the Corporation for the purpose of communicating with automatic processing devices;

"surcharge" (附加費) means such amount as may be specified in notices, lists, tables or other publications issued by or on behalf of the Corporation from time to time and shall be -

- (a) an amount equal to fifty times the prevailing maximum adult single fare on any bus or railway at the time the surcharge is imposed; or
- (b) the maximum fine prescribed in this Bylaw,

whichever is the lower;

"ticket" (車票) means any form of ticket, smart card, pass or permit issued from time to time by or on behalf of the Corporation, for travel on any bus or on the railway;

"ticket office" (票務處) means any office operated by or on behalf of the Corporation which is duly authorized to issue tickets;

"vehicle" (車輛) means a vehicle as defined in the Road Traffic Ordinance (Cap. 374);

"vehicle of the North-west Railway" (西北鐵路車輛) means any train or carriage or compartment thereof used on or in connection with the railway.

PART 2

TICKETS AND FARES

2. Tickets

- (1) All tickets whether specifically referred to in this Bylaw or not are issued subject to -
 - (a) this Bylaw; and
 - (b) any special conditions stated or referred to on such tickets or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation.
- (2) A passenger shall be deemed to have knowledge of and to have agreed to this Bylaw and any special conditions in relation to any ticket used by him or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation and the liability of the Corporation (if any) shall be limited but not extended thereby.

3. Fares

The fares appearing from time to time in notices, lists, tables or other publications issued by or on behalf of the Corporation are the authorized fares for travel on any bus or on the railway.

4. Tickets contain no warranty or acceptance of liability

- (1) The Corporation does not warrant that a passenger will be conveyed on any particular bus or vehicle of the North-west Railway or that any bus or vehicle of the North-west

Railway shall arrive or depart at a particular time or stop or that the issue of a ticket will be completed before the departure of any bus or vehicle of the North-west Railway and the Corporation will not be liable to any person for any loss or damage whatsoever arising from any delay or detention caused by the alteration suspension interference with or withdrawal of the Corporation's bus or railway services (or a part thereof) for any reason whatsoever.

(2) The Corporation may in its absolute discretion do all or any of the following without being liable to any person for any loss or damage caused thereby -

- (a) suspend or discontinue the issue of tickets howsoever issued;
- (b) despatch any bus or vehicle of the North-west Railway from a stop before the arrival of any other bus or vehicle of the North-west Railway without affording passengers an opportunity of alighting and boarding the bus or vehicle of the North-west Railway;
- (c) suspend, discontinue or otherwise withdraw all or any bus or railway service from any stop at any time and for any period of time or suspend, discontinue or withdraw the running of any bus or vehicle of the North-west Railway at any time and for any period of time and alter the times of departure and arrival of any bus or vehicle of the North-west Railway and the routes thereof.

(3) The Corporation may in its absolute discretion consider applications for a refund where a ticket is unused as a consequence of the circumstances described in subsection (2).

5. Entry and travel prohibited without payment of fare

No person shall without the authority of an official, which authority shall not be unreasonably withheld, or except as provided in section 12(1) -

- (a) travel on any bus;
- (b) board or attempt to board any vehicle of the North-west Railway; or
- (c) travel or attempt to travel upon any vehicle of the North-west Railway,

unless having first paid the appropriate fare and, where a ticket is issued, obtaining the appropriate ticket and in the case of using a smart card as a ticket, using it in the appropriate manner in conjunction with an automatic processing device so that the appropriate fare is paid to the Corporation.

6. Production of tickets and surcharge

(1) All tickets shall remain the property of the Corporation and must be produced at any time on any bus or on the railway on demand being made therefor by any official.

(2) Any person who refuses or fails to pay the appropriate fare or refuses or fails to produce his ticket shall be liable to pay a surcharge.

(3) A person holding or using a free or concessionary ticket while on the railway or on any bus or vehicle of the North-west Railway shall produce on demand by an official sufficient evidence to prove his entitlement to hold and use the ticket.

(4) Any person who uses a free or concessionary ticket but fails to produce sufficient evidence to prove his entitlement to such use shall be liable to pay a surcharge as if no ticket were held.

(5) Any person who without the authority of an official, which authority shall not be unreasonably withheld, holds a free or concessionary ticket and fails to produce sufficient evidence to prove his entitlement to hold such ticket shall be required upon demand by an official to surrender such ticket to the official.

7. Damaging and using damaged tickets

- (1) No person shall improperly do anything to or with a ticket whereby -
 - (a) the coded or printed data thereon is erased wholly or in part or is otherwise altered or interfered with; or
 - (b) the ticket is otherwise damaged.
- (2) No person shall use or attempt to use for travel on any bus or the railway a ticket which has been improperly altered damaged or which has been otherwise interfered with and, in the case of using a smart card as a ticket which is unable to communicate with an automatic processing device for tickets.

8. Failures to pay fare, etc.

- (1) Save as provided under subsections (2), (3), (4), (5) and (6), no person prior to leaving any bus or the railway shall fail to or refuse to pay any fare or other sum payable to the Corporation in accordance with this Bylaw.
- (2) When a person is liable to pay a surcharge, payment shall be made immediately on demand by an official and payment shall be made to the official demanding the surcharge.
- (3) When a person aged 16 years and over is unable in the opinion of an official to make immediate payment of a surcharge, the demand of the surcharge by the Corporation shall be made by way of service of a notice in writing and the person upon whom the notice is served shall sign the notice and shall make payment of the surcharge not later than 14 days from the date of service of the notice.
- (4) When a person under the age of 16 years is unable in the opinion of an official to make immediate payment of the surcharge, the demand of the surcharge by the Corporation shall be made by way of service of a notice in writing upon his parent, legal guardian or next of kin and the person who receives the notice shall make payment of the surcharge not later than 14 days from the date of service of the notice.
- (5) The decision as to whether a person is unable to make immediate payment of a surcharge shall be in the absolute discretion of an official dealing with tickets or passengers and shall be final and binding for all purposes without liability of whatever nature for any loss and damage whatsoever and howsoever arising from any such decision.
- (6) The Corporation shall be entitled at its own discretion to deduct the surcharge wholly or in part from any smart card held by any passenger liable in respect thereof.

9. Travel without a ticket or with expired or inappropriate ticket

- (1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway -
 - (a) without a ticket;

- (b) with a ticket which has been altered without the authority of the Corporation or any of its officials or which has been damaged;
- (c) with an invalid ticket; or
- (d) with a personalized ticket which has been issued to another person,

he shall be regarded as not having paid his fare and shall be liable to pay a surcharge to the Corporation.

(2) For the purposes of subsection (1) -

- (a) a ticket shall expire and becomes invalid in the event that a passenger fails to complete the journey to which the ticket relates within 2 hours of being issued with a ticket;
- (b) the period of validity and special conditions governing a season ticket or a stored value ticket shall be those printed upon the ticket or, if no period of validity or special conditions are printed upon the ticket such period of validity and special conditions as are set out in the publications, notices, lists or tables issued by or on behalf of the Corporation from time to time;
- (c) a person who is on any bus or vehicle of the North-west Railway and who subsequently leaves or attempts to leave the bus or vehicle of the North-west Railway or the railway premises shall, in the absence of proof to the contrary, be presumed to have travelled upon the railway;
- (d) all tickets issued by or on behalf of the Corporation shall be delivered up at the request of an official if they have become invalid whether or not any stored value remains in such ticket.

10. Passengers to examine tickets and change

(1) All persons shall examine their tickets and any change tendered before leaving any ticket office.

(2) Neither the Corporation nor any official shall be liable for any error or omission not drawn to their attention at the time of issue of a ticket.

(3) A person boarding any bus shall insert not less than the appropriate fare into a farebox in payment of the fare or shall produce for inspection a valid ticket or authority for travel.

(4) A person using an automatic vending machine shall insert not less than the appropriate fare in legal tender including a valid stored value ticket for the purchase of a ticket.

(5) No person shall be entitled to any refund of any amount inserted into an automatic vending machine or a farebox which is -

- (a) in excess of the appropriate fare; or
- (b) in excess of the balance required to make up the appropriate fare where the value remaining in a stored value ticket is inadequate.

(6) The amount (including a nil amount) from time to time printed on or encoded on a ticket shall be conclusive evidence of the amount paid in respect of such ticket and in the case of a stored value ticket the value (if any) remaining in such ticket.

(7) Any person who is requested to do so by any official shall immediately produce to that official acceptable proof of his entitlement to any concessionary or other special type of ticket or fare.

11. Exchanges and refunds

(1) A fare may be refunded or a ticket may be refunded or exchanged at the absolute discretion of the Corporation. Any such exchange or refund may be subject to the deduction of an administration charge determined and published by the Corporation from time to time.

(2) The form of any refund shall be at the absolute discretion of the Corporation.

(3) The Corporation shall not be obliged to issue a ticket in replacement of a lost or mislaid or unused ticket nor will it be obliged to make a refund in respect of the value of any such ticket or the amount of a fare or a surcharge levied as a consequence of failure to produce a ticket when required.

12. Children travelling on buses and the railway

(1) Except when otherwise specified in notices, lists, tables or other publications issued by or on behalf of the Corporation, up to two children under 3 years of age may accompany each adult passenger on any bus or on the railway free of charge provided that such child or children do not occupy a seat or seats that are required for other passengers.

(2) Each adult passenger accompanied by more than two children under 3 years of age shall pay the child fare as provided for in section 3 for any children exceeding two in number.

(3) Any child over 3 years of age but under 12 years of age when travelling on any bus or on the railway shall pay the child fare as provided for in section 3.

(4) In the absence of proof as to the age of any child referred to in this Bylaw the decision as to age shall be in the absolute discretion of the officials dealing with tickets or passengers and shall be final and binding for all purposes without liability of whatever nature for any loss or damage whatsoever and howsoever arising from any such decision.

13. Refusal of access

The Corporation or any official may refuse to admit any person onto any bus or vehicle of the North-west Railway or to any part of the railway premises at any time whom it or he believes is likely to act in a riotous, disorderly or offensive manner or whom it or he reasonably suspects of committing or attempting to commit any offence contrary to any of this Bylaw.

PART 3

TRESPASS AND DAMAGE TO BUSES AND THE RAILWAY

14. Trespass and removal of trespassers

(1) No person shall enter into or upon any part of the railway premises other than those parts clearly defined by means of notices, indicators and other directions for the use of persons using the railway, nor shall any person enter or leave such parts other than by use of the designated entrances or exits.

(2) Any person who, without lawful excuse or the authority of the Corporation or its officials is on any bus or vehicle of the North-west Railway or on any part of the railway premises or who otherwise being in breach of this Bylaw refuses to leave the same on being requested so to do by any official may be immediately removed therefrom without prejudice to any penalty or surcharge which may be imposed in accordance with this Bylaw.

15. Offensive matter, materials, etc.

- (1) No person shall cause, permit or suffer -
 - (a) any sewage, drainage or any other offensive matters to flow onto or otherwise come onto or be upon any part of the railway;
 - (b) any waste product, waste material or food or refuse of any kind to be deposited on or otherwise come onto any bus or vehicle of the North-west Railway or any part of the railway;
 - (c) any kite, balloon, model or other thing to fly or otherwise pass over any part of the airspace above any part of the railway;
 - (d) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation.
- (2) No person shall cause permit or suffer any missile, article or other object whatsoever to be propelled at or thrown at or wilfully dropped upon any bus or vehicle of the North-west Railway or other part of the railway.

PART 4

CONDUCT OF PERSONS ON BUSES AND THE RAILWAY

16. Unlawful use of equipment on buses and the railway

No person except an official shall -

- (a) actuate any emergency or safety device on any bus or vehicle of the North-west Railway or upon the railway except for the express purpose for which the same is provided and in accordance with the instructions printed thereon or on a notice displayed near thereto;
- (b) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway whilst it is in motion or (except in case of accident or other emergency) between stops or otherwise than at the side of the bus or vehicle of the North-west Railway adjacent to the stop or the platform appointed for passengers to enter or leave the bus or vehicle of the North-west Railway;
- (c) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway after the doors have commenced to close;
- (d) where notices are exhibited on a bus or a vehicle of the North-west Railway indicating that a door shall be used for entrance thereto and another door for exit therefrom (except in case of accident or other emergency) enter or

- attempt to enter by the door indicated for exit or leave or attempt to leave by the door indicated for entry;
- (e) operate, move, work or tamper with any mechanical or electrical appliance or any plant or equipment whatsoever which belongs to the Corporation or is constructed for the purposes of or in connection with the railway.

17. Indemnities for damage caused to persons and property

A person who by reason of bringing any animal, article or object on to any bus or vehicle of the North-west Railway or any part of the railway causes any injury, loss or damage whatsoever to the Corporation or its officials or any other person or causes any loss or damage whatsoever to the property of the Corporation, its officials or any other person shall indemnify the Corporation against all or any claims, demands, costs and expenses whatsoever arising therefrom in respect of any such injury, loss or damage howsoever caused:

Provided that this section shall not apply in circumstances where the damage or loss to the property or persons referred to herein arises entirely from the neglect or default of an official.

18. Compliance with notices

(1) Every person while on a bus or vehicle of the North-west Railway or on any part of the railway premises shall comply with all notices, indicators and all reasonable directions and requests of officials.

(2) No person shall stand on the upper deck or any staircase of a bus.

(3) Without prejudice to the generality of subsection (1) if any official determines that a bus or vehicle of the North-west Railway is full, no person shall enter or remain therein having just entered if directed by such official not to do so.

19. Feet not to be placed on seats

No person shall place his feet on any seat in any bus or on any vehicle of the North-west Railway or on any other part of the railway premises.

20. Smoking prohibited

No person shall smoke or carry a lighted pipe, cigar or cigarette in any bus or vehicle of the North-west Railway, or any other part of the railway premises where smoking is prohibited by notice.

21. Spitting and litter prohibited

No person shall -

- (a) spit in or on any bus or on any vehicle of the North-west Railway or any part of the railway premises; or

- (b) deposit or throw any litter on any bus or vehicle of the North-west Railway or on any part of the railway premises except into receptacles provided for that purpose.

22. Nuisance

- (1) No person shall at any time while upon the railway premises -
 - (a) use any threatening, abusive, obscene or offensive language or behave in a riotous, disorderly, indecent or offensive manner;
 - (b) paint, write, draw or affix any word, representation or character upon or wilfully soil or defile the railway premises or break, cut, scratch, tear, deface or otherwise damage any part of the railway premises including any bus or vehicle of the North-west Railway or any of the fittings, furniture, decorations, or equipment thereof or any publication, notice, list, time-table, advertisement, number plate, number, figure or letter therein or thereupon or remove therefrom or detach any such article or object;
 - (c) damage any property upon the railway premises;
 - (d) molest or wilfully interfere with the comfort or convenience of any person; or
 - (e) obstruct, impede or distract an official from performing his duties.
- (2) Notwithstanding the provisions of section 40, any person who contravenes subsection (1) shall be liable to the Corporation for the amount of the damage done to any property of the Corporation or of any other person.

23. Passengers in unfit or improper condition

No person in a state of intoxication or who is in an unfit or improper condition shall enter or remain upon any part of the railway premises.

24. Singing, dancing and musical instruments prohibited

No person unless authorized in writing by the Corporation or any of its officials while upon any bus or vehicle of the North-west Railway or any part of the railway premises shall sing, dance or perform on any musical or other instrument or use a radio, cassette recorder, compact disc player or similar device, television or any other such electrical or mechanical device which is likely to cause annoyance, inconvenience or disturbance to any other person.

25. Prohibited items

No person shall -

- (a) bring onto any bus or vehicle of the North-west Railway or any part of the railway premises any luggage, article, object or any other thing which by reason of its nature, in the opinion of an official, cannot be carried or otherwise accommodated on any bus or vehicle of the North-west Railway or any part of the railway premises without the likelihood of causing damage to the property

- of the Corporation or without the likelihood of causing a nuisance or inconvenience to other persons using any bus or the railway;
- (b) except as authorized by the Corporation consume any food or beverage (whether alcoholic or non-alcoholic) on any bus or vehicle of the North-west Railway or any part of the railway premises;
 - (c) unless the Corporation in its sole discretion allows or permits, bring any animal or other livestock into or upon any part of the railway premises (provided that this restriction shall not apply to a guide dog accompanying a blind person); or
 - (d) place or throw any lighted cigarette end, match, tobacco, liquid, substance or any other thing upon the railway premises in a manner which constitutes or is likely to constitute a fire hazard.

PART 5

HAWKERS, LOITERERS AND BILL POSTING

26. Unauthorized bill posting, advertising and touting

No person on any bus or on any vehicle of the North-west Railway or any part of the railway premises shall, except with the written authority of the Corporation -

- (a) post, stick, paint or write or cause to be posted, stuck, painted or written any bill, placard, advertisement or any other matter;
- (b) display or exhibit or cause to be displayed or exhibited any printed, written or pictorial matter or any article for the purpose of advertisement or publicity, or distribute any book, leaflet or other printed matter or any sample or other article; or
- (c) tout, ply for, or solicit alms, reward or custom or employment of any description.

27. Hawking prohibited

No person, unless authorized in writing by the Corporation, shall sell or expose or offer for sale any goods, wares or services in or on any bus or vehicle of the North-west Railway or any part of the railway premises and sections 86, 86A, 86C, and 86D of the Public Health and Municipal Services Ordinance (Cap. 132) shall apply to an offence under this section as if such offence were a hawker offence within the meaning of section 86 of that Ordinance.

28. Loitering prohibited

No person other than passengers or other persons having the authority of the Corporation and on lawful business in or in connection with the railway shall loiter in or about any part of the railway premises.

PART 6

VEHICLES ON THE RAILWAY PREMISES

29. Vehicles not to be left on railway premises

Except with the written authority of the Corporation, no person shall park or leave or cause any vehicle to be parked or left on any part of the railway premises.

30. Dealing with vehicles left on railway premises

(1) The Corporation may in such manner as it thinks fit remove and detain any vehicle in respect of which a contravention of section 29 is committed and may charge the owner or driver thereof all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by contravention of that section.

(2) If a vehicle detained under subsection (1) is not claimed and removed and all costs and expenses are not paid within 3 days after its detention, the Corporation shall where practicable except in the case of emergency serve on the registered owner of the vehicle (as defined in the Road Traffic Ordinance (Cap. 374)) a notice informing him -

- (a) of the detention of the vehicle and the place of detention; and
- (b) that, unless the vehicle is removed from the place of detention on payment of any costs and charges within 14 days after the service of the notice on him, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise.

(3) If a vehicle is not removed in accordance with the notice served under subsection (2) or, if the service of such notice is impracticable, within 14 days of the date of its first detention, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise as it thinks fit.

(4) If, within 6 months after the day on which a vehicle is sold pursuant to subsection (3), any person satisfies the Corporation that at the time the vehicle became the property of the Corporation by virtue of that subsection, he was the owner of the vehicle, the Corporation shall pay to such person the balance of the proceeds of sale after deducting any costs and charges of removal and detention and any reasonable charges incurred by the Corporation in respect of the sale of the vehicle.

(5) A notice under subsection (2) may be served personally or by post.

(6) For the purpose of this section "vehicle" (車輛) includes the equipment carried by or on a vehicle.

31. Drivers to comply with traffic signs

Vehicle drivers while in or upon any part of the railway premises shall obey all traffic signs and signals and the reasonable instructions and directions of officials.

32. Dangerous driving

No person shall drive or operate any vehicle through, into or upon any part of the railway premises in excess of the speed indicated by a notice, indicator, sign or signal or by an official or in a manner likely to involve danger to others.

33. Vehicles prohibited on certain parts of railway premises

No person shall drive or operate any vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians.

PART 7

DANGEROUS GOODS

34. Dangerous goods

No person not being an official duly authorized in that behalf shall bring onto any bus or any vehicle of the North-west Railway or any part of the railway premises any substance or other thing which is subject to the provisions of the Dangerous Goods Ordinance (Cap. 295).

PART 8

LOST PROPERTY

35. Lost property

Every person who finds any article or object in or upon any bus or vehicle of the North-west Railway or any part of the railway premises shall hand over the same to an official as soon as is practicable and no person other than an official shall remove from any bus or vehicle of the North-west Railway or any part of the railway premises any property lost or left behind therein, save for the purpose of handing over the same as soon as is practicable to an official and all articles or objects so found shall as between the finder and the Corporation be deemed to be in the possession of the Corporation.

36. Disposal of lost property

(1) All articles or objects found and which come into the possession of the Corporation shall be dealt with as follows -

- (a) perishable, noxious or otherwise offensive goods or articles may be disposed of by the Corporation by sale or otherwise as in its absolute discretion it sees fit as soon as practicable after the same comes into its possession;

(b) all other articles or objects shall be retained by the Corporation for a period of 1 month after they have come into its possession and, if at the end of that period they remain unclaimed, they shall be deemed to become the absolute property of the Corporation free from any other rights and encumbrances, and the Corporation may dispose of them by sale or otherwise and at such price (if any) as the Corporation in its absolute discretion thinks fit.

(2) If within a period of 6 months from the date of any sale by the Corporation of any article or object the former owner thereof (which expression includes the person formerly entitled to the beneficial interest therein) establishes to the satisfaction of the Corporation prior lawful ownership of the article or object the former owner shall be paid the proceeds of sale less all expenses incurred by the Corporation in respect of and incidental to such sale provided that the former owner shall provide the Corporation with an indemnity in such form as may be required by the Corporation as a pre-condition to payment by the Corporation of any such sale proceeds.

(3) The Corporation shall not be liable to any person for any loss or damage whatsoever and howsoever arising from the loss of any article or object or the retention, sale or other disposal thereof or the restoration under subsection (2) of any article or object to a person other than the former lawful owner thereof.

PART 9

LIMITATION OF LIABILITIES

37. Payment of sums sufficient to indemnify Corporation

Any passenger or person or the owner of any animal, vehicle, luggage, goods, articles or things howsoever mentioned or referred to in this Bylaw shall pay to the Corporation the amount of all or any sum or sums required to indemnify the Corporation or any official from and against all or any claim made by or on behalf of any passenger or owner or other person including personal representatives of the same arising out of the carriage or custody by the Corporation or any official of any animal, vehicle, luggage, goods, articles or things and any cost, loss, damage or expense incurred in connection herewith and the Corporation shall hold any such sums paid in respect of any such claims against any cost, damage, loss or expense of any official in trust for the official concerned.

38. Limitations and exemptions

The Corporation in making this Bylaw do so for themselves and for and on behalf of each and every official and the payment of a fare or the acceptance of a ticket by any passenger or person shall be conclusive evidence of his or their agreement that each and every limitation and exemption afforded to the Corporation by this Bylaw or all or any of them shall extend to each such official.

PART 10

ENFORCEMENT AND PENALTIES

39. Removal of persons from railway

(1) Any person who is reasonably suspected by an official of committing or attempting to commit any breach of this Bylaw, while in or upon any part of the railway premises shall, when required to do so by such official -

- (a) give to that official true and correct particulars of his name and address and of his telephone number, if any, and produce proof to that effect for inspection; and
- (b) produce to that official proof of his identity for inspection.

(2) An official acting in execution of the powers conferred under subsection (1) shall produce the authorization issued by the Corporation prior to executing those powers.

(3) No person shall wilfully provide false information when required to provide information under subsection (1).

(4) An official shall have the power to remove (if necessary by the use of reasonable force) from the railway premises any person whom he reasonably suspects of having committed or attempting to commit any breach of this Bylaw, without prejudice to any penalty or surcharge which may be imposed in accordance with this Bylaw and in the case where such breach is an offence as herein provided he shall have power to detain such person until he can be delivered into the custody of a police officer to be dealt with according to law.

40. Penalties

A person who contravenes a section set out in the first column of the Schedule commits an offence and is liable to the penalty set out in the third column of that Schedule opposite the reference to that section.

41. Preservation of other causes of action

(1) Unless the context otherwise requires nothing in this Bylaw and no prosecution or step or action hereunder shall bar any further or other claim for damages or other remedy or relief which the Corporation or its agents or other persons may be entitled to prosecute or bring.

(2) Any sum levied by or payable to the Corporation or its agents (including, without limitation, any fare, or surcharge) whether by way of penalty, debt, damages, costs, loss, expense or otherwise shall be due to the Corporation or its lawful agents as a debt due on demand and shall be enforceable as a civil debt.

SCHEDULE

[s. 40]

PENALTIES

Section	Summary of offence	Penalty
5	Entry and travel without payment of fare	\$5,000 fine
6	Failure to produce tickets or pay surcharge	\$5,000 fine
7	Damaging and using damaged tickets	\$5,000 fine
8	Failures to pay fare, etc.	\$5,000 fine
9(1)	Travel without a ticket or with expired or inappropriate ticket	\$5,000 fine
12(3)	Failure to pay child fare	\$2,000 fine
14	Trespass	\$5,000 fine
15	Depositing offensive matter, materials, etc.	\$5,000 fine and 6 months imprisonment
16(a)	Improper use of emergency or safety device	\$5,000 fine and 6 months imprisonment
16(b), (c) and (d)	Improperly entering or leaving any bus or vehicle of the North-west Railway	\$2,000 fine
16(e)	Tampering with equipment belonging to Corporation, etc.	\$5,000 fine and 6 months imprisonment
18	Failure to comply with notices	\$1,000 fine
19	Feet placed on seats	\$1,000 fine
20	Smoking	\$5,000 fine
21	Spitting and litter	\$5,000 fine
22	Nuisance	\$5,000 fine
23	Passengers in unfit or improper condition entering railway premises, etc.	\$5,000 fine
24	Singing, dancing and musical instruments	\$2,000 fine
25(a), (b) and (c)	Bringing prohibited items, consumption of food or beverages, etc.	\$3,000 fine
25(d)	Causing fire hazard	\$5,000 fine and 6 months imprisonment
26	Unauthorized bill posting, advertising and touting	\$5,000 fine
27	Hawking	\$5,000 fine and 6 months imprisonment
28	Loitering	\$2,000 fine
29	Vehicles left on railway premises	\$5,000 fine
31	Failure of drivers to comply with traffic signs	\$5,000 fine and 3 months imprisonment
32	Dangerous driving	\$5,000 fine and 6 months imprisonment
33	Vehicles on certain parts of railway premises	\$5,000 fine
34	Dangerous goods	\$5,000 fine and 6 months imprisonment
35	Failure to hand over lost property found	\$2,000 fine
39(1)	Failure to give particulars of name, address or telephone number or to produce proof thereof or of identity	\$1,000 fine
39(3)	Wilfully providing false information	\$3,000 fine and 3 months imprisonment

Made under the Common Seal of the MTR Corporation Limited on 20 June 2007.

The Common Seal of the
MTR Corporation Limited
was affixed hereto in the presence of

C.K. CHOW
Chief Executive Officer

L.B. TURK
Secretary

Explanatory Note

This Bylaw is made under section 34 of the Mass Transit Railway Ordinance (Cap. 556), subject to the approval of the Legislative Council. The purpose of this Bylaw is to provide the necessary legislative framework for the operation by the MTR Corporation Limited (“the Corporation”) of the railway and buses. This Bylaw -

- (a) prescribes the terms and conditions relating to the use of the Corporation’s railway service or bus service;
- (b) controls and regulates –
 - (i) the conduct of members of the public using the railway or buses or on buses, vehicles of the North-west Railway or the railway premises;
 - (ii) a system for evidencing the payment of fares on the railway or buses and any contract of carriage of passengers on the railway or buses (this Bylaw is not intended to deal with the regulation of any fare payable for using any railway service or bus service operated by the Corporation);
 - (iii) advertising on buses, vehicles of the North-west Railway or the railway premises; and
 - (iv) the custody and disposal of property found on buses, vehicles of the North-west Railway or the railway premises; and
- (c) protect the property of the Corporation on buses, vehicles of the North-west Railway or the railway premises.

2. Part 1 provides for the definitions to define the meaning of certain expressions used in this Bylaw.

3. Part 2 provides for the ticketing arrangements including conditions of issue of tickets.

4. Part 3 prohibits trespass and restricts offensive matter, materials, etc. from coming onto any bus, vehicle of the North-west Railway or the railway.

5. Part 4 regulates conduct of members of the public using the railway or buses or on the railway premises.

6. Part 5 prohibits bill posting, soliciting, hawking and loitering.

7. Part 6 provides for vehicles on the railway premises and conduct of drivers or operators of such vehicles.

8. Part 7 prohibits dangerous goods from being brought onto any bus, vehicle of the North-west Railway or the railway premises.

9. Part 8 provides for the custody and disposal of property found on any bus, vehicle of the North-west Railway or the railway premises.

10. Part 9 provides for limitation of liabilities of the Corporation.

11. Part 10 provides for enforcement of this Bylaw, liability to penalties in cases of contravention of this Bylaw and preservation of the Corporation's rights to other causes of actions.

**Speech by the Secretary for Transport and Housing
in moving Resolution under the Mass Transit Railway Ordinance
at the Legislative Council Meeting**

Mass Transit Railway (North-west Railway) Bylaws

(DRAFT)

Madam President,

I move that the resolution as set out under my name on the Agenda be passed.

I have already given an overall introduction to the resolutions relating to the rail merger when I was moving the first one relating to the Mass Transit Railway (Amendment) Bylaw 2007.

The resolution I am now moving is the second of the four items of this amendment exercise, which mainly deals with the Light Rail and TSA bus services. As I explained earlier, these services are covered by a separate set of North-west Railway By-laws made by KCRC. MTRCL has used this set of existing bylaws as the basis to formulate the Mass Transit Railway (North-west Railway) Bylaws under the amended MTR Ordinance, which will apply to the operation of the Light Rail and TSA bus services by MergeCo after the merger.

Subject to Members' approval of this resolution today, the proposed bylaws

will come into operation on the date of merger implementation. I hope that Members will support the resolution.

Madam President, I beg to move.

Appendix III

MASS TRANSIT RAILWAY ORDINANCE

RESOLUTION

(Under section 34 of the Mass Transit Railway Ordinance (Cap. 556))

RESOLVED that the Mass Transit Railway (Transport Interchange) (Amendment) Bylaw 2007, made by the MTR Corporation Limited on 20 June 2007, be approved.

MASS TRANSIT RAILWAY (TRANSPORT INTERCHANGE) (AMENDMENT) BYLAW 2007

(Made by the MTR Corporation Limited under section 34 of the Mass Transit Railway Ordinance (Cap. 556) subject to the approval of the Legislative Council)

1. Commencement

This Bylaw shall come into operation on the day appointed for the commencement of the Rail Merger Ordinance (11 of 2007).

2. Amendment of Chinese title

The title of the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D) is amended, in the Chinese text, by repealing “地下” and substituting “香港”.

3. Interpretation

Section 1 is amended—

- (a) by renumbering it as section 1(1);
- (b) by adding—

“(2) A reference in any signs, plates, markings or signals (including any road markings, prescribed road markings and prescribed traffic signs) or in any documents (including any notices and certificates) prescribed, erected, displayed, placed, made or given under this Bylaw to “地鐵有限公司” or “地鐵公司” is a reference to the company —

- (a) which, as at the appointed day, is incorporated under the Companies Ordinance (Cap. 32) and registered under that Ordinance by the name "MTR Corporation Limited" in English and "地鐵有限公司" in Chinese; and
- (b) the Chinese name of which is changed to "香港鐵路有限公司" on the Merger Date under section 66(1) of the Ordinance.

“(3) Subsection (2) shall expire on the date falling 12 months from the Merger Date.”.

4. Part VIII heading amended

The heading of Part VIII is amended, in the Chinese text, by repealing “《地下鐵路附例》” and substituting “《香港鐵路附例》”.

5. Mass Transit Railway By-laws

Section 28 is amended, in the Chinese text -

- (a) in the heading, by repealing “《地下鐵路附例》” and substituting “《香港鐵路附例》”;
- (b) in subsections (1), (2) and (3), by repealing “《地下鐵路附例》” wherever it appears and substituting “《香港鐵路附例》”.

6. Prescribed traffic signs, prescribed road markings and prescribed light signals

Schedule 1 is amended, in the Chinese text-

- (a) by repealing “《地下鐵路條例》” wherever it appears and substituting “《香港鐵路條例》”;
- (b) by repealing “《地下鐵路（運輸交匯處）附例》” wherever it appears and substituting “《香港鐵路（運輸交匯處）附例》”.

7. Forms

Schedule 3 is amended, in the Chinese text –

- (a) by repealing “地下鐵路（運輸交匯處）附例” wherever it appears and substituting “香港鐵路（運輸交匯處）附例”;
- (b) by repealing “《地下鐵路（運輸交匯處）附例》” wherever it appears and substituting “《香港鐵路（運輸交匯處）附例》”.

8. Change of Chinese name of MTR Corporation Limited etc.

(1) The following provisions are amended, in the Chinese text, by repealing “地鐵公司” wherever it appears and substituting “港鐵公司” -

- (a) section 1 (the definitions of “泊車位”, “限制區”, “停車票”, “停車場”, “許可證”, “通行證”, “發出條件”, “禁區” and “獲授權人”);
- (b) section 2;
- (c) section 3;
- (d) section 4;
- (e) section 8;
- (f) section 9;
- (g) section 10;

- (h) section 11;
- (i) section 12;
- (j) section 13;
- (k) section 14;
- (l) section 16;
- (m) section 17;
- (n) section 18;
- (o) section 19;
- (p) section 20;
- (q) section 21;
- (r) section 23;
- (s) section 24;
- (t) section 25;
- (u) section 27;
- (v) section 29;
- (w) section 32;
- (x) section 33;
- (y) section 34;
- (z) section 35;
- (za) section 36;
- (zb) section 39;
- (zc) section 41;
- (zd) section 42;
- (ze) section 43;
- (zf) section 44;

- (zg) section 49;
- (zh) section 50;
- (zi) section 52;
- (zj) section 54;
- (zk) section 56;
- (zl) section 57;
- (zm) section 61;
- (zn) section 63;
- (zo) Schedule 1 (Figure Nos. 8, 9 and 32).

(2) Schedule 1 is amended, in Figure No.18 -

- (a) by repealing “地鐵公司” and substituting “港鐵公司”;
- (b) in the English text, by repealing “the MTR Corporation Limited” and substituting “the Corporation”;
- (c) in the Chinese text, by repealing “地鐵有限公司” and substituting “港鐵公司”.

(3) Schedule 3 is amended, in the Chinese text, by repealing “地鐵有限公司” wherever it appears and substituting “香港鐵路有限公司”.

Made under the Common Seal of the MTR Corporation Limited on 20 June 2007.

The Common Seal of the
MTR Corporation Limited
was affixed hereto in the presence of

C.K. CHOW
Chief Executive Officer

L.B. TURK
Secretary

Explanatory Note

The Chinese short title of the Mass Transit Railway Ordinance (Cap. 556) (“the Ordinance”) and the Chinese name of the MTR Corporation Limited (“the Corporation”) will be amended as “《香港鐵路條例》” and “香港鐵路有限公司” respectively under the Rail Merger Ordinance (11 of 2007). The Chinese citation of the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) will be amended as “《香港鐵路附例》” under the Mass Transit Railway (Amendment) Bylaws 2007 (L.N. of 2007). The object of this Bylaw is to make consequential changes to –

- (a) the Chinese title of the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D) (“the principal Bylaw”);
 - (b) the Chinese text of the principal Bylaw as regards references to the Corporation, to the title of another piece of subsidiary legislation made under the Ordinance and to the Ordinance; and
 - (c) signs, markings, documents, etc. made under the principal Bylaw.
2. Section 2 amends the Chinese title of the principal Bylaw.
 3. Section 3 provides for references to the Chinese name of the Corporation in signs, markings, signals, etc. or documents, etc., prescribed, erected, displayed, placed, made or given under the principal Bylaw.
 4. Sections 4 and 5 substitute “《香港鐵路附例》” for “《地下鐵路附例》” in Part VIII of the principal Bylaw.
 5. Sections 6 and 7 substitute “《香港鐵路條例》” for “《地下鐵路條例》” and “《香港鐵路（運輸交匯處）附例》” for “《地下鐵路（運輸交匯處）附例》” in Schedules 1 and 3 to the principal Bylaw.
 6. Section 8 provides for amendments consequential to the change of the Chinese name of the Corporation.

Speech by the Secretary for Transport and Housing
in moving Resolution under the Mass Transit Railway Ordinance
at the Legislative Council Meeting

Mass Transit Railway (Transport Interchange) (Amendment) Bylaw 2007

(DRAFT)

Madam President,

I move that the resolution as set out under my name on the Agenda be passed.

The purpose of this resolution is to make some technical and consequential amendments to the existing Mass Transit Railway (Transport Interchange) Bylaw. According to the Rail Merger Ordinance, the Chinese name of the MTR Corporation Limited will change from “地鐵有限公司” to “香港鐵路有限公司” and the Chinese title of the Mass Transit Railway Ordinance (“MTR Ordinance”) will also change from 《地下鐵路條例》 to 《香港鐵路條例》. As a result, the Chinese title of the Mass Transit Railway (Transport Interchange) Bylaw made under the MTR Ordinance has to change to 《香港鐵路(運輸交匯處)附例》 accordingly. All references to “地鐵有限公司” in this set of bylaws will need to be amended to refer to the new Chinese name of the Corporation accordingly.

This set of bylaws has been scrutinized and agreed by the subcommittee. I hope that Members will support this resolution.

Madam President, I beg to move.

Appendix IV

KOWLOON-CANTON RAILWAY CORPORATION ORDINANCE

RESOLUTION

(Under section 31 of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372))

RESOLVED that the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007, made by the Kowloon-Canton Railway Corporation on 15 June 2007, be approved.

**KOWLOON-CANTON RAILWAY CORPORATION (SUSPENSION OF BYLAWS)
BYLAW 2007**

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

1. Commencement

This Bylaw shall come into operation on the day appointed for the commencement of the Rail Merger Ordinance (11 of 2007).

2. Suspension of operation of Bylaws

The operation of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) and the North-west Railway By-laws (Cap. 372 sub. leg. E) is suspended during the Concession Period.

3. Transitional and saving provisions

(1) Section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) has the same effect in relation to the suspension under section 2 as it would have if the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) and the North-west Railway By-laws (Cap. 372 sub. leg. E) had been repealed.

(2) Without affecting the generality of subsection (1) -

- (a) any ticket issued by or on behalf of the Corporation before the Merger Date shall continue to have effect from the Merger Date until such time when the ticket expires; and
- (b) any permit issued by the Corporation under by-law 81 of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) before the Merger Date shall continue to have effect from the Merger Date until such time when the permit expires.

This Bylaw is made this 15th day of June 2007 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–

Kowloon-Canton Railway Corporation

Kowloon-Canton Railway Corporation

Authorized Signatory

Authorized Signatory

James BLAKE
Chief Executive Officer

D A FLEMING
Company Secretary

in the presence of

Witness

Witness

Explanatory Note

The object of this Bylaw is to suspend the operation of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) and the North-west Railway By-laws (Cap. 372 sub. leg. E) (“the suspension”) during the Concession Period. During the Concession Period, provisions similar to those in the North-west Railway By-laws (Cap. 372 sub. leg. E) will be provided for under a new Bylaw made under section 34 of the Mass Transit Railway Ordinance (Cap. 556) and the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) will perform a function similar to that of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) .

2. Section 2 provides for the suspension.

3. Section 3 provides that section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) applies in relation to the suspension and provides for the continuation of validity of the tickets and permits issued by the Corporation before the Merger Date.

Speech by the Secretary for Transport and Housing
in moving the Resolution under the
Kowloon-Canton Railway Corporation Ordinance
at the Legislative Council Meeting

Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007

(DRAFT)

Madam President,

I move that the resolution as set out under my name on the Agenda be passed.

The purpose of this resolution is to suspend the operation of the existing Kowloon-Canton Railway Corporation By-laws (“KCRC Bylaws”) and the North-west Railway By-laws (“NWR Bylaws”) made under the Kowloon-Canton Railway Corporation Ordinance (“KCRC Ordinance”) during the service concession period.

During the service concession period, MTR Corporation Limited (“MTRCL”) will be responsible for the operation of the railway and bus services of the Kowloon-Canton Railway Corporation (“KCRC”), while KCRC will cease to operate these services. This Council has just endorsed amendments to the Mass Transit Railway By-laws (“MTR Bylaws”) to the effect that those existing provisions in the KCRC Bylaws which are necessary for the operation of the KCRC railways will be brought across to the MTR Bylaws, and also endorsed the enactment of the Mass

Transit Railway (North-west Railway) Bylaws which are broadly the same as the existing NWR Bylaws. Accordingly, the existing KCRC Bylaws and NWR Bylaws made under the KCRC Ordinance will be suspended during the service concession period.

This set of bylaws has been scrutinized and agreed by the subcommittee. I hope that Members will support the resolution.

Madam President, I beg to move.