

MASS TRANSIT RAILWAY ORDINANCE

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**RESOLUTION**

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

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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

<b>Section</b>	<b>Page</b>
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) .