

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

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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.