

政府總部
運輸及房屋局
運輸科
香港花園道美利大廈



**Transport and
Housing Bureau**
Government Secretariat
Transport Branch
Murray Building, Garden Road,
Hong Kong

Our Ref. THB(T)CR 1/5591/74
Your Ref. CB1/PL/TP

Tel: 2189 2199
Fax: 2537 5246

By Fax
(2121 0420)

1 June 2010

Clerk to Subcommittee on Matters Relating to Railways
Panel on Transport
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Attention: Ms Joanne Mak)

Dear Ms Mak,

MTR Bylaw Review

Thank you for your letter of 12 May 2010.

MTR Corporation Limited (MTRCL) has undertaken to the then Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger (the Subsidiary Legislation Subcommittee) that a comprehensive review of its two sets of bylaws (i.e. the Mass Transit Railway Bylaws (Cap. 556B) and the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556H)) would be conducted, taking into account the experience of operating the integrated railway system after the merger as well as views expressed by Legislative Council Members at the meetings, and would revert to the Legislative Council on the outcome of the review within 12 months after the rail merger.

Having completed the review, MTRCL presented the results of the review to the Legislative Council Panel on Transport Subcommittee on

Matters Relating to Railways (the Railways Subcommittee) on 16 January 2009. As mentioned in our paper (LC Paper No. CB(1)557/08-09(07)) to the Railways Subcommittee, we had examined the outcome of the review conducted by MTRCL and were of the view that the scope of the review had covered the areas of concern of the Subsidiary Legislation Subcommittee; and agreed with the findings and amendment proposals for the bylaws.

Subsequent to the aforementioned meeting of the Railways Subcommittee, MTRCL proceeded to drafting the amendments to its bylaws according to the results of the review and Members' views. The paper prepared by MTRCL on the proposed amendments to the two sets of bylaws is now attached.

Grateful if you can distribute the paper to Members.

Yours sincerely,

(Mrs Hedy Chu)
for Secretary for Transport and Housing

c.c. : MTRCL (Attention: Mr Jeff Leung)

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

MTR Bylaw Review

This paper reports on the proposed amendments to the Mass Transit Railway Bylaws (Cap. 556B) and Mass Transit Railway (North-West Railway) Bylaw (Cap. 556H) by the MTR Corporation Limited (the Corporation) pursuant to the review of the two sets of bylaws.

Background

2. In accordance with its undertaking to the then Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger, the Corporation conducted a comprehensive review of its Bylaws following the Merger taking into account the experience of operating the integrated railway system. The results of the review were presented to the Subcommittee on Matters Relating to Railways (the Subcommittee) on 16 January 2009 vide LC Paper No. CB(1)557/08-09(08), a copy of which is at **Annex 1**.

3. At the Subcommittee meeting of 16 January 2009, Members made suggestions with respect to certain bylaws having considered the proposals contained in the said paper. These suggestions and the Corporation's response to the same are set out in paragraphs 5 to 7 below.

Bylaw Amendments

4. Subsequent to the aforementioned Subcommittee meeting, the Corporation proceeded to drafting the amendments to its bylaws according to the results of the review and Members' views. These amendments reflect the Corporation's undertaking to align the two sets of bylaws in order to eliminate inconsistencies, duplication and obsolescence, and ensure that the amended bylaws reflect all post merger operating procedures and the current law. The proposed amendments to

the bylaws are at **Annex 2** and **Annex 3**.

5. In particular, during the deliberations of the Subcommittee, Members expressed views in relation to the bylaws concerning “abusive language” and “improper dressing”.

6. In respect of “abusive language”, Members’ views were that the bylaws prohibiting use of abusive language should be drafted from the perspective of maintenance of order in railway premises and “abusive language” should be defined along the line that a person committed an offence if he, by use of threatening, abusive, obscene or offensive language, incited violence or discrimination towards another passenger, or if he did so to insult, threaten or disturb another passenger. Taking the above into consideration, the Corporation proposes to amend the provisions relating to “abusive language” to prohibit “any threatening, abusive, obscene or offensive language likely to cause annoyance or offence to any person” (see clause 32 of the Mass Transit Railway (Amendment) Bylaw 2010 at **Annex 2** and clause 26 of the Mass Transit Railway (North-west Railway) (Amendment) Bylaw 2010 at **Annex 3**).

7. Members also raised concern over the bylaw regarding “improper dressing” (Bylaw 28G) under the Mass Transit Railway Bylaws. The intent of the bylaw is to prevent passenger from being impacted on as a result of others’ extremely dirty clothing. Taking into account Members’ views and the results of the review, the following amendments are proposed -

(a) to more accurately reflect the purpose of the bylaw, which does not refer to “improper dressing” but instead “dress or clothing in a condition liable to soil or damage the dress or clothing or personal effects of any other person”, its heading would be amended to “Soiling etc. of another’s clothing or personal effects”; and

(b) in response to a Member’s query on how the line should be drawn regarding whether a passenger’s clothing is “liable to soil”, the Corporation proposes that such would be determined “in the reasonable opinion of an official”. As such, the amended bylaw would prohibit “dress or clothing, in

the reasonable opinion of an official, in a condition liable to soil or damage the dress or clothing or personal effects of any other person” (see clause 31 of the Mass Transit Railway (Amendment) Bylaw 2010 at **Annex 2** and clause 29 of the Mass Transit Railway (North-west Railway) (Amendment) Bylaw 2010 at **Annex 3**).

Way Forward

8. Subject to Members’ comments, the proposed amendments to the bylaws would be submitted to the Legislative Council for approval, in accordance with section 34 of the Mass Transit Railway Ordinance (Cap. 556), with a view to effecting the amended bylaws on 1 September 2010.

MTR Corporation Limited
May 2010

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

MTR Bylaw Review

Purpose

This paper reports on the review of the Mass Transit Railway Bylaws and Mass Transit Railway (North-West Railway) Bylaw conducted by the Mass Transit Railway Corporation Limited (Corporation).

Background

2. In mid 2007, the then Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger (the Subcommittee), having scrutinized the draft Mass Transit Railway (Amendment) Bylaws (MTR Bylaws) and Mass Transit Railway (North-West Railway) Bylaw (NWR Bylaws), approved the proposed amendments and made a number of suggestions designed to enhance the effectiveness of the bylaws, highlighting a number of areas which in its opinion needed to be addressed. As a consequence the Corporation undertook to conduct a comprehensive review of the amended bylaws taking into account the experience of operating the integrated railway system after the Merger as well as the views expressed by Members during the Subcommittee's deliberations.

The Review

3. The Corporation has conducted a review accordingly of each bylaw having regard to the following principles –

- (a) that the two sets of bylaws be reconciled to achieve consistency;
- (b) the need to retain certain provisions in the bylaws having regard to present day circumstances, and the operational need and requirements in railway operations;
- (c) the appropriateness of the maximum penalty levels for various offences, having regard to the nature and seriousness of the offences and the maximum penalty levels for similar offences in other legislation; and

- (d) improvement of the drafting of the bylaws to achieve consistency and enhance clarity.

4. The review critically examined both sets of bylaws in order to identify any inconsistencies between the two sets and any obsolescence, resulting in a number of bylaws being identified as having to be re-drafted in order to overcome an inconsistency and improve clarity, or replaced. Each bylaw was reviewed having regard to the parameters stated by the Subcommittee and the individual views expressed by Members of that Subcommittee. A summary of the findings of the Review is in the following paragraphs.

Consistency between the Two Sets of Bylaws

5. Both sets of bylaws were critically examined to identify material inconsistencies. All such inconsistencies have been identified and will be eliminated during the process of drafting which will take place after this Subcommittee is satisfied with the results of the bylaw review as set out in this paper.

6. The review concluded that both sets of existing bylaws should be retained although consideration was given to a possible amalgamation. The Corporation operates two entirely different systems, one is the Light Railway system, being an open system with feeder buses, the other is the Mass Transit Railway system, being a closed system and with cross border freight and passenger services. Each of them has unique features from an operational perspective and thus warrants its own set of bylaws.

7. During the deliberations, the Subcommittee expressed views in relation to specific bylaws which, in its opinion, warranted particular attention. We have taken into account such views and have proposed amendments to most of those bylaws, examples include the bylaws on “Loitering” which the Corporation will repeal and the bylaws on “Disposal of lost property” which the Corporation will extend the retention period from 1 month to 3 months.

8. One bylaw was identified as being obsolete namely MTR Bylaw 3A which deals with authorized crossings. Such crossings ceased to exist when electrification of East Rail came into being in 1983. The remaining bylaws are found to be appropriate and necessary albeit that in certain instances an amendment will be warranted. The review supports this conclusion.

9. A summary of the above is at Annex I.

Penalties

10. There are currently 61 MTR Bylaws and 31 NWR Bylaws carrying penalties. The current penalty regime provides for penalties ranging from \$1,000 to \$5,000 and periods of imprisonment from 2 to 6 months. Penalties imposed for both sets of bylaws were reviewed having regard to the nature and seriousness of each offence, and the associated maximum penalty levels for a similar offence in other legislation as suggested by the subcommittee. In addition the Corporation was, in coming to its conclusions, mindful of the need to ensure that in each instance the penalty imposed did constitute an effective deterrent.

11. The review:

- (a) established that whilst current penalties were in most instances appropriate having regard to the nature and seriousness of an offence, a number of penalties were inappropriate;
- (b) identified a number of inconsistencies in terms of penalties between the two sets of bylaws for the same or similar offences. To a degree there was similarity with the penalty regime widely adopted for summary offences in Hong Kong, namely the application of Schedule 8 to the Criminal Procedure Ordinance (Cap 221)(CPO), which has been adopted by the Airport Authority, Ocean Park, Tung Chung Cable Car, Tai Lam Tunnel and the Western Harbour Crossing bylaws. There were however a number of penalties which were not regarded as commensurate with the nature and seriousness of the offences. These were the subject of critical examination; and
- (c) did consider whether a breach of any of the bylaws should result in imprisonment. It concluded that such a deterrent was only necessary where the consequence of a person's conduct, be it deliberate or grossly negligent, was such that railway operations and passenger safety would be seriously at risk in the event of contravention.

12. In order to ensure consistency between the two sets of bylaws, the Corporation proposes a 4 tier offence and penalty schedule

which models on Schedule 8 to the Criminal Procedure Ordinance by classifying the nature of bylaw offences as follows-

Tier and the corresponding classification of offences	Criminal Procedure Ordinance “level” (maximum penalty)
<p>Class 1</p> <p>As a consequence of contravention, the risk of prejudicing operational integrity and passenger safety (including passenger well-being) is low.</p>	<p>Level 1 (\$2,000)</p>
<p>Class 2</p> <p>As a consequence of contravention, there is at least a reasonable risk of prejudice to operational integrity and passenger safety (including passenger well-being) or revenue.</p>	<p>Level 2 (\$5,000)</p>
<p>Class 3</p> <p>As a consequence of contravention, there is a risk of serious prejudice to operational integrity and passenger safety (including well-being).</p>	<p>Level 2 and imprisonment (\$5,000 and 6 months’ imprisonment)</p>
<p>Class 4</p> <p>Contravention will have no impact on operational integrity or passenger safety (including passenger well-being) but will impact the Corporation’s ability to manage the railways.</p>	<p>Level 1 (\$2,000)</p>

13. If the proposed 4 tier offence and penalty schedule is adopted there will be a number of adjustments to penalties which currently apply. There will be 15 increases* and 16 decreases due to a reassessment of the nature and seriousness of each offence. Penalties for 4 bylaws will be removed. There will however be an exception. As a consequence of aligning MTR Bylaw 35 and NWR Bylaw 31 which deals with the failure of a vehicle driver to comply with traffic signs, with the Road Traffic (Traffic Control) Regulations, the penalty will be \$5,000

* 9 increases are due to minimum penalty being raised from \$1,000 to \$2,000.

and 3 months imprisonment for first conviction and \$5,000 and 6 months imprisonment for second and subsequent convictions, which falls outside the 4 tiers.

14. During its deliberations the Subcommittee expressed views in relation to specific bylaws which, in its opinion, warranted particular attention. The Corporation has already addressed them all, examples include reducing penalty level of the bylaws on “Use of Abusive Language” from \$5,000 to \$2,000; removing imprisonment for the bylaws on “Bill posting” and “Hawking”. Details can be found in Annex II.

15. Prosecution policy and enforcement guidelines have been reviewed. Amendments to the guidelines have improved clarity in order to ensure that officials have a clear understanding as to how the bylaws are to be enforced. In terms of enforcement emphasis is placed on a practical and educational approach designed to prevent bylaw contraventions as opposed to prosecution.

16. The Subcommittee urged the Corporation to review notices posted on railway premises with a view to enhancing greater public awareness and facilitate compliance by providing greater clarity. Wherever possible standardised internationally accepted pictographs will continue to be used. Where applicable brief notations in Chinese and English which will make it clear to passengers the nature of the offence and the relevant penalty, shall be included on notices relating to any bylaw infringement or prohibition.

Others

17. There were two other matters raised by the Subcommittee namely the provision of an Octopus refund device which would allow passengers to secure a refund of the first class premium if they chose not to travel first class and nuisance created by audio-visual broadcasts in carriages and promotional activities at stations. The Corporation has reviewed both these matters and concluded, in the case of Octopus refund devices, that installation of such devices is not warranted given that there are very few requests for such refunds, approximately twenty per annum. In the case of audio-visual broadcasts the Corporation has adopted a set of guidelines designed to ensure that the noise created by such broadcasts does not exceed acceptable noise levels. With regard to commercial activities, where these create a nuisance to passengers, the Corporation has the right to cease such activities.

Way Forward

18. The Corporation seeks Members' endorsement of the results of the review as set out in this paper. Upon receipt of Members' endorsement of the proposals contained herein, the Corporation will proceed to drafting the required amendments and formally submit to the Legislative Council amended Mass Transit Railway Bylaws and Mass Transit Railway (North-West Railway) Bylaw, for its approval.

MTR Corporation Limited
January 2009

(I) Responses to concerns raised by the Subcommittee

	Bylaws/Offences	Responses
1.	Wrongfully entering or leaving trains MTR Bylaw 9(2) NWR Bylaw 16(c)	Will provide for an exemption in situation where there is an accident or an emergency.
2.	Compliance with notices MTR Bylaw 21(1) NWR Bylaw 18 (1)	The Corporation proposes that all notices relating to an infringement or contravention will in future have a written reference to not only the relevant bylaw but also the applicable penalty.
3.	No Eating or drinking MTR Bylaw 27(b) NWR Bylaw 25(b)	Will delete “attempt to consume” from the MTR bylaw to avoid confusion.
4.	Queuing MTR Bylaw 28C(3) and 28C(4)	Section 34 of the MTR Ordinance provides that the Corporation can make bylaws to regulate the conduct of members of the public using the railway or on railway premises. Hence, MTR bylaw 28C is not ultra vires and no amendments will be made.
5.	Intoxication MTR Bylaw 28F NWR Bylaw 23	Both bylaws will be amended by replacing “as determined by an official in his absolute discretion” with “determination by an official in accordance with his belief or reasonable cause to believe”. The adoption of language which refers to a state of intoxication “resulting from consuming or abusing alcohol, medicine or drug” in the MTR bylaw into the NWR bylaw to better define “intoxication”.

	Bylaws/Offences	Responses
6.	Abusive language MTR Bylaw 28H(1)(a) NWR Bylaw 22(1)(a)	Will not provide exemption for use of abusive language in private conversation given that the possibility of private conversation being caught by the Bylaw is very remote as only abusive language which manifests itself as a disturbance to other passengers will be caught by this provision. Penalty being reduced (see item 3 of Annex II)
7.	Loitering MTR Bylaw 31 NWR Bylaw 28	To be repealed.
8.	Bill posting, etc., unauthorised display of materials for the purpose of advertisement, etc. MTR bylaw 32 MTR bylaw 32A NWR Bylaw 26	No amendment as it is inappropriate to limit the scope of the bylaw since non-commercial promotion activities can also affect smooth passenger flow.
9.	Disposal of lost property MTR Bylaw 41(1)(c) NWR 36(1)(b)	Extend the lost property retention period from 1 months to 3 months.

(I) Other Amendments proposed by MTRCL pursuant to the review

- **Authorized crossing places and conditions of crossing (MTR Bylaw 3A)**
This is an obsolete provision and will be repealed since there is no longer designated crossing for animals, etc.
- **Firearms (MTR Bylaw 38)**
There is no equivalent provision in the NWR Bylaw. In the interests of consistency it is proposed to adopt the MTR Bylaw into the NWR Bylaw.
- **Nuisance (MTR Bylaw 25)**
There is no equivalent in the NWR Bylaw. In the interests of consistency it is proposed to adopt the MTR Bylaw into the NWR Bylaw.
- **Damage to Railway Premises (MTR Bylaw 5, NWR Bylaw 16(e))/Improper Operation of Equipment (MTR Bylaw 28A, NWR Bylaw 16(e))**
Whilst the importance of these bylaws cannot be under-estimated the Corporation, upon review, accepts that an exception should be made for persons who genuinely acted in the belief that there was an emergency or that the damage sustained was the result of a genuine accident.

(I) Responses to concerns raised by the Subcommittee

	Bylaw/Offences	Existing penalty		Proposed amendments
		MTR Bylaws	NWR Bylaws	
1.	Playing radios, cassettes, musical instruments in railway premises	Bylaw 26,26A \$2000 fine	Bylaw 24 \$2000 fine	Exempt noise created by mobile phone ringtones generated from incoming calls.
3.	Use of abusive language	Bylaw 28H(1)(a) \$5000 fine	Bylaw 22(1)(a) \$5000 fine	Penalty to be reduced to \$2000.
4.	Hawking	Bylaw 30 \$5000 fine and 6 months imprisonment	Bylaw 27 \$5000 fine and 6 months imprisonment	The Corporation has considered a two-tier penalty adopted under the Public Health and Municipal Services Ordinance (Cap 132), but decided to reduce the penalty level by removing imprisonment instead.
5.	Loitering	Bylaw 31 \$2000 fine	Bylaw 28 \$2000 fine	To be repealed.
6.	Bill posting, unauthorized display of material for the purpose of advertisement, etc.	Bylaw 32 - Bill posting, etc. Penalty - \$5000 fine and 3 months imprisonment Bylaw 32A - Unauthorised display of material for the purpose of advertisement, etc. Penalty - \$5000 fine	Bylaw 26 - Unauthorized bill posting, advertising and touting Penalty - \$5000 fine	To reduce the penalty level by removing imprisonment. The Corporation has considered confining the scope, but decided to maintain status quo as it is necessary to regulate all kind of promotional activities at station to ensure a smooth flow of passengers.

(II) Other Amendments proposed by MTRCL pursuant to the review

- **Improper dressing (MTR bylaw 28G, NWR bylaw 23)**

The Corporation has re-assessed the nature and in the event of a breach the extent of this bylaws potential prejudice to passengers. It considers the current penalty of \$5000 can be further reduced to \$2000.

- **Failure to comply with signs (MTR Bylaw 35 and NWR Bylaw 31)**

In order to maintain consistency with Hong Kong's road traffic laws the bylaws are to be amended to align them with the Road Traffic (Traffic Control) Regulations (Cap 374). (i.e. from \$4000 and 2 months imprisonment (MTR bylaw) and \$5000 and 3 months imprisonment (NWR bylaw) to both \$5,000 and 3 months imprisonment for first conviction and \$5,000 and 6 months imprisonment for second and subsequent convictions.)

- **Spitting and littering (MTR 24 and NWR bylaw 21)**

The Corporation has re-assessed the nature and in the event of a breach the extent of this bylaws prejudice to passengers and the Corporation. It considers the current penalty of \$5000 can be further reduced to \$2000.

MASS TRANSIT RAILWAY (AMENDMENT) BYLAW 2010

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MASS TRANSIT RAILWAY (AMENDMENT) BYLAW 2010

(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 comes into operation on 1 September 2010.

2. Interpretation

(1) By-law 2 of the Mass Transit Railway By-laws (Cap. 556 sub. leg. B) is amended by repealing the definition of “conditions of issue” and substituting –

““conditions of issue” (車票發出條件) means the conditions of issue of a ticket issued under by-law 10(2);”.

(2) By-law 2 is amended, in the definition of “fare”, by adding “or entry into the paid area” after “for use on the railway”.

(3) By-law 2 is amended, in the definition of “official”, by adding “and includes any employee or lawfully appointed agent of the Corporation” after “the Corporation”.

(4) By-law 2 is amended by repealing the definition of “passenger” and substituting –

““passenger” (乘客) means a person for whom a ticket is issued and who is lawfully within the paid area;”.

(5) By-law 2 is amended by repealing the definition of “surcharge” and substituting –

““surcharge” (附加費) means such amount as may be specified in the conditions of issue but not exceeding an amount equal to –

(a) fifty times the prevailing maximum adult single fare on the railway at the time the surcharge is imposed; or

(b) the amount of a fine at level 2,

whichever is the lower;”.

(6) By-law 2 is amended by repealing the definition of “ticket” and substituting –

““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 use on the railway or entry into the paid area;”.

(7) By-law 2 is amended, in the definition of “train”, by repealing “owned by or in the possession of the Corporation.” and substituting “used on or in connection with the railway;”.

(8) By-law 2 is amended by adding –

““automatic processing device” (自動處理裝置) means a processing device used by the Corporation for the automatic collection of fares;

“identification card” (職員證), in respect of an official, means a valid identification card issued by the Corporation to that official and evidencing that person to be an official;

“invalid ticket” (失效車票) means –

(a) 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 with a smart card in a first class compartment, 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 the first class compartment;
- (b) a ticket improperly damaged, altered or interfered with or whose coded data has been improperly altered, erased or damaged either wholly or in part;
 - (c) a ticket that has expired in accordance with the conditions of issue;
 - (d) a ticket which the passenger is not entitled to use pursuant to the conditions of issue or any other publications, notices, lists or tables relating to such ticket; or
 - (e) a smart card which has not had the appropriate authorization code recorded on it by the automatic processing device of an automatic gate –
 - (i) immediately before the ticket holder travels or attempts to travel on the railway; or
 - (ii) in the case where the automatic processing device is not available before the ticket holder travels or attempts to travel on the railway, after the ticket holder travels or attempts to travel on the railway;

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

“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;

“vehicle” (車輛) means any motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance.”.

3. Authorized crossing places and conditions of crossing

By-law 3A is repealed.

4. By-law 4 substituted

By-law 4 is repealed and the following substituted –

“4. Trespass

Unless otherwise authorized by the Corporation, a person must not –

- (a) enter or remain in any part of the railway premises declared by the Corporation, by notices, signs or any other manner, to be a restricted area; or
- (b) enter or leave any part of the railway premises other than by proper use of such gates, barriers or turnstiles (if any) provided for such entry or exit.”.

5. No vehicles, animals, etc. to be brought across the railway premises

By-law 4A is amended by repealing “motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance” and substituting “vehicle”.

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

By-law 5 is repealed.

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

(1) By-law 6(a) is amended, in the Chinese text, by adding “任何”

before “污物”.

(2) By-law 6(b) is amended by repealing “kind of”.

(3) By-law 6(b) is amended by repealing “or” at the end.

(4) By-law 6(c) is amended by repealing the full stop at the end and substituting “; or”.

(5) By-law 6 is amended by adding –

“(d) any waste product, waste material or food or refuse to be deposited on or otherwise come upon and remain upon or pass across the railway premises.”.

8. Rubbish etc. not to be thrown on or from railway premises

(1) By-law 7 is amended, in the heading, by repealing “**Rubbish etc.**” and substituting “**Missiles, articles, etc.**”.

(2) By-law 7 is amended by adding “, permit or suffer” after “cause”.

(3) By-law 7 is amended by repealing everything after “premises” and substituting –

“_

(a) any missile, article or other object likely to endanger the railway premises or railway operations; or

(b) any offensive or waste matter likely to endanger the railway premises or railway operations.”.

9. Improper use of emergency equipment

(1) By-law 8 is amended by repealing “, unless otherwise authorized by the Corporation,”.

(2) By-law 8 is amended by adding “or on a notice displayed near thereto” after “thereon”.

10. Wrongfully entering or leaving trains

(1) By-law 9(1) is amended by repealing “No person” and substituting “No person except an official”.

(2) By-law 9(2) is amended by repealing “No person” and substituting “No person except an official”.

11. Tickets

(1) By-law 10(1A) is repealed.

(2) By-law 10(2) is repealed and the following substituted –

“(2) The Corporation may, from time to time, issue conditions of issue of a ticket by publishing them on the Corporation’s website.

(3) Conditions of issue must be displayed at every station.”.

12. Tickets contain no warranty or acceptance of liability

(1) By-law 12(1) is amended by adding “or a particular station” after “particular time or times”.

(2) By-law 12 is amended by adding –

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

13. Compliance with conditions of issue

- (1) By-law 13(1) is amended by adding “holding a ticket” after “No person”.
- (2) By-law 13(2) is amended, in the Chinese text, by repealing “列車” and substituting “鐵路”.

14. Entry and travel prohibited without ticket

- (1) By-law 14 is amended by renumbering it as by-law 14(1).
- (2) By-law 14(1) is amended by repealing “electronic sensor” and substituting “automatic processing device”.
- (3) By-law 14(1) is amended by adding “so that the appropriate fare is paid to the Corporation” after “leaving the paid area”.
- (4) By-law 14 is amended by adding –
 - “(2) A person must not travel or attempt to travel upon any part of the railway or enter into the paid area with a personalized ticket which has been issued to another person.”.

15. By-law 14A substituted

By-law 14A is repealed and the following substituted –

“14A. Failure to pay fares etc.

- (1) Except as provided in paragraphs (2), (3), (4) and (5), a person must not, prior to leaving the paid area, fail or refuse to pay any fare, surcharge or other sum leviable in accordance with these by-laws.
- (2) When a person aged 16 years or over is unable in the opinion of an official to make immediate payment of a surcharge, the demand of the surcharge by the Corporation is to be made by way of service of a notice in writing upon that person who must sign the notice and must make payment of the surcharge not later than 14 days from the date of service of the notice.

(3) When a person who is under the age of 16 years is unable in the opinion of an official to make immediate payment of a surcharge, the demand of the surcharge by the Corporation is to be made by way of service of a notice in writing upon the person's parent, legal guardian or next of kin and the person who is served with the notice must sign the notice and must make payment of the surcharge not later than 14 days from the date of service of the notice.

(4) The decision as to whether a person is unable to make immediate payment of a surcharge is at the discretion of an official, which decision is final and binding for all purposes without liability of whatever nature for any loss and damage whatsoever and howsoever arising from any such decision.

(5) The Corporation is entitled at its discretion to deduct the surcharge wholly or in part from any smart card held by any passenger liable in respect thereof.”.

16. Travel where ticket is lost, damaged or expired

(1) By-law 15 is amended, in the heading, by repealing “**Travel where ticket is lost, damaged or expired**” and substituting “**Travel without ticket or with invalid ticket**”.

(2) By-law 15(1) is repealed and the following substituted –

“(1) No person (other than a person who is under the age of 3 years) is permitted to be within the paid area –

(a) without a ticket; or

(b) with an invalid ticket.”.

(3) By-law 15 is amended by adding –

“(1A) Any person who contravenes paragraph (1) is to be regarded as not having paid his or her fare and is liable both to pay a surcharge to the Corporation and to deliver up his or her ticket (if any) to an official.”.

- (4) By-law 15(2) is repealed.

17. Passengers should examine tickets and change

(1) By-law 16(1) is amended by adding “at a ticket office” after “a ticket”.

(2) By-law 16(1) is amended by repealing “any ticket office” and substituting “the ticket office”.

(3) By-law 16(2) is amended by adding “to purchase a ticket” after “using an automatic vending machine”.

(4) By-law 16(2) is amended by repealing “and a person” and substituting “and, subject to the Corporation’s refund verification processes,”.

(5) By-law 16(2) is amended by repealing “into an automatic vending machine” and substituting “into the automatic vending machine”.

(6) By-law 16(2) is amended, in the Chinese text, by repealing “票值” where it twice appears and substituting “車費”.

(7) By-law 16(3) is amended, in the Chinese text, by repealing “票值” and substituting “款項”.

(8) By-law 16(3) is amended, in the Chinese text, by repealing “確證” and substituting “不可推翻的證據”.

18. Handing in of tickets

(1) By-law 17 is amended, in the heading, by repealing “**Handing in of tickets**” and substituting “**Production of tickets; surcharges**”.

(2) By-law 17(1) is amended, in the English text, by repealing “all tickets shall remain” and substituting “all tickets remain”.

(3) By-law 17(2) is amended, in the English text, by repealing “gained exit” and substituting “exited”.

(4) By-law 17(2) is amended, in the Chinese text, by repealing “已付車費區域或鐵路處所內的乘客，在緊接離開上述區域後” and substituting “在已付車費區域內的乘客或在緊接離開已付車費區域後而仍然在鐵路處所內的乘客”.

(5) By-law 17 is amended by adding –

“(5) A person holding or using a free or concessionary ticket while on the railway premises must produce upon demand by an official sufficient evidence to prove his or her entitlement to hold and use the ticket.

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

(7) Any person holding a free or concessionary ticket while on the railway premises who fails to produce sufficient evidence to prove his or her entitlement to hold such ticket in accordance with paragraph (5) must, upon demand by an official, surrender such ticket to the official.”.

19. Damaging etc. a ticket

By-law 18(2) is repealed and the following substituted –

“(2) A person must not use or attempt to use for the purpose of entering or leaving the paid area or travelling upon the railway an invalid ticket or a smart card which is unable to communicate with an automatic processing device.”.

20. Compliance with notices

By-law 21(1) is amended by repealing “with these by-laws and”.

21. Smoking prohibited

By-law 23 is amended by repealing “or cigarette or naked flame in any form” and substituting “, cigarette or naked flame in any form on trains or”.

22. Passengers not to cause a nuisance

(1) By-law 25 is amended, in the heading, by repealing “**Passengers not to cause a nuisance**” and substituting “**Causing nuisance prohibited**”.

(2) By-law 25 is amended by repealing “other passengers” and substituting “any passenger”.

23. By-law 26A substituted

By-law 26A is repealed and the following substituted –

“26A. Use of audio-playing device

(1) Unless authorized in writing by the Corporation, a person must not upon any part of the railway premises use or attempt to use any audio-playing device so as to generate sound that is likely to cause annoyance, inconvenience or disturbance to any other person.

(2) In this by-law, “audio-playing device” (音響播放器件) means any device other than a musical instrument that is capable of playing a sound (whether or not in conjunction with displaying an image) and, to avoid doubt, includes –

- (a) a computer;
 - (b) a game console;
 - (c) a mobile telephone.
- (3) To avoid doubt –
- (a) the reference in paragraph (1) to using an audio-playing device so as to generate sound includes using a mobile telephone to play a ring tone;

- (b) however, nothing in paragraph (1) applies to a ring tone sounded by a mobile telephone on receiving an incoming call.”.

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

(1) By-law 27(a) is amended by repealing “railway property” and substituting “property of the Corporation”.

(2) By-law 27(a) is amended, in the Chinese text, by repealing “列車” and substituting “鐵路”.

(3) By-law 27(a) is amended, in the Chinese text, by repealing “滋擾” and substituting “妨擾”.

(4) By-law 27(b) is amended by adding “except as authorized by the Corporation” before “consume or”.

(5) By-law 27(b) is amended by repealing “or attempt to consume”.

25. Animals prohibited on railway premises

By-law 28 is amended by repealing “sole discretion” and substituting “discretion”.

26. By-law 28A substituted

By-law 28A is repealed and the following substituted –

“28A. Damage to railway premises, trains, plant and equipment and unlawful use of equipment

Unless authorized by the Corporation, a person must not –

- (a) touch, use, meddle, damage or otherwise interfere with –

- (i) any machine or equipment, or any part thereof, used or employed in or upon any part of the railway premises;
- (ii) any locomotive, train, carriage, truck or any other conveyance or any equipment thereon used or employed on or in connection with the railway;
- (iii) any tracks, rails and supporting system including fastenings, fixtures, baseplates, plinths, sleepers and ballast;
- (iv) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any part of the railway premises;
- (v) any building and structure constructed or erected in or upon any part of the railway premises;
- (vi) any electrical plant, overhead wiring or other form of electrical installation or equipment of any nature whatsoever used or employed in or upon any part of the railway;
- (vii) any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation upon the railway premises; or
- (viii) any switch, lever or other device operating or controlling any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the

control of the Corporation upon the railway premises;

- (b) interfere with the proper use of any automatic gate or telecommunication device;
- (c) tamper with or wilfully impede or interfere with the operation of any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation;
- (d) ascend or descend, or attempt to ascend or descend, by means of any escalator other than in such manner and order as directed by the Corporation;
- (e) travel, or attempt to travel, upon any escalator or moving platform in a direction other than the direction in which it is moving;
- (f) sit upon any escalator or moving platform or any handrail or any part thereof;
- (g) open, or attempt to open, any gate or doors leading to or from a platform or a paid area at a station upon the railway premises; or
- (h) hold or possess keys, passes or entry cards to any door or gate inside the railway premises and if any of the same come into a person's possession, that person must immediately surrender the same to the Corporation.”.

27. Entrance or exit by improper means and queuing

By-law 28C(1) is repealed and the following substituted –

“(1) A person must not, after the doors have closed, attempt to enter or leave any train, or enter or attempt to enter any train other than

through any door thereof to or from the platform at stations unless directed otherwise by an official or other authorized person.”.

28. Entrance to trains by improper means or overloading

By-law 28D is repealed.

29. Entry to restricted area

By-law 28E is repealed.

30. By-law 28F substituted

By-law 28F is repealed and the following substituted –

“28F. Intoxication

Where an official has reasonable cause to believe that a person is in a state of intoxication or incapacity resulting from consuming or abusing alcohol, medicine or drugs or is in an unfit condition to be present on the railway premises, the official may direct the person to leave or not to enter the railway premises.”.

31. Improper dressing

(1) By-law 28G is amended, in the heading, by repealing “**Improper dressing**” and substituting “**Soiling etc. of another’s clothing or personal effects**”.

(2) By-law 28G is amended by adding “, in the reasonable opinion of an official,” after “No person whose dress or clothing is”.

(3) By-law 28G is amended by repealing “injure” and substituting “damage”.

32. Abusive language

(1) By-law 28H is amended, in the heading, by repealing “**Abusive language**” and substituting “**Inappropriate language or behaviour**”.

(2) By-law 28H(1)(a) is repealed and the following substituted –

- “(a) use any threatening, abusive, obscene or offensive language likely to cause annoyance or offence to any person;
- (aa) behave in a riotous, disorderly, indecent or offensive manner;”.
- (3) By-law 28H(1)(d) is amended by repealing “or” at the end.
- (4) By-law 28H(1) is amended by adding –
- “(da) obstruct, impede or distract an official in or from performing the official’s duties; or”.
- (5) By-law 28H(1)(e) is amended by repealing “video recording or camera” and substituting “image recording”.
- (6) By-law 28H(2) is amended by repealing “the officers of the Corporation” and substituting “an official”.

33. Flying materials endangering operations

By-law 28I is amended by repealing everything after “pass” and substituting –

“_

- (a) into or over any part of the railway premises including any tunnel; or
- (b) in or on to the air space or any overhead line above the railway premises,
- which is likely to endanger proper railway operation.”.

34. Part V heading amended

The heading of Part V is amended by repealing “, LOITERERS”.

35. By-law 29 substituted

By-law 29 is repealed and the following substituted –

“29. Soliciting for alms etc.

Except with the written authority of the Corporation, a person must not on the railway premises solicit alms or an advantage.”.

36. Loitering prohibited

By-law 31 is repealed.

37. By-law 32 substituted

By-law 32 is repealed and the following substituted –

“32. Display of materials for purpose of advertisement etc. prohibited

(1) Except with the written authority of the Corporation, a person must not post, stick, paint or write or cause to be posted, stuck, painted or written any bill, placard, advertisement or any other matter on any part of the railway premises.

(2) Except with the written authority of the Corporation, a person must not on any part of the railway premises –

(a) 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 such article;
or

(b) tout or ply for reward, custom or employment.”.

38. Unauthorized display of materials for the purpose of advertisement, etc.

By-law 32A is repealed.

39. Part VI heading amended

The heading of Part VI is amended by repealing “MOTOR”.

40. Motor vehicles not to be left on railway premises

(1) By-law 33 is amended, in the heading, by repealing “**Motor vehicles**” and substituting “**Vehicles**”.

(2) By-law 33 is amended by repealing “motor car or other”.

41. Dealing with vehicles left on railway premises

By-law 34(1) is amended by repealing “motor car or other”.

42. Vehicle drivers to comply with signs etc.

(1) By-law 35 is amended, in the heading, by repealing “**to comply with**” and substituting “**and operators to comply with traffic**”.

(2) By-law 35 is amended by repealing “Vehicle drivers” and substituting “The driver or operator of any vehicle”.

43. Dangerous driving

(1) By-law 36 is amended, in the heading, by adding “**or operating of vehicles**” after “**driving**”.

(2) By-law 36 is amended by repealing “any motor car or other vehicle” and substituting “or operate any vehicle”.

(3) By-law 36 is amended by repealing “at a rate of speed” and substituting “in excess of the speed indicated by a notice, indicator, sign or signal or by an official”.

44. Vehicles prohibited on certain parts of railway premises

(1) By-law 37 is amended by renumbering it as by-law 37(1);

(2) By-law 37(1) is amended by repealing “drive any motor car or other vehicle” and substituting “drive or operate any vehicle”.

(3) By-law 37 is amended by adding –

“(2) This by-law does not apply to the driver or operator of any wheelchair or buggy (whether motorized or

otherwise), or any similar conveyance used for the purpose of transporting persons who depend on such conveyance for mobility.”.

45. Firearms

(1) By-law 38 is amended, in the heading, by repealing “**Firearms**” and substituting “**Carrying firearms or ammunition**”.

(2) By-law 38 is amended by repealing “Armed Forces” and substituting “Chinese People’s Liberation Army”.

46. Dangerous goods

By-law 39 is amended by repealing “not being an official duly authorized by the Corporation in that behalf” and substituting “, unless authorized by the Corporation,”.

47. By-law 40 substituted

By-law 40 is repealed and the following substituted –

“40. Lost property

(1) A person who finds any article or object in or upon any part of the railway premises must report the same to an official at the nearest station or to the police as soon as is practicable.

(2) A person other than an official or the police must not remove from any train or carriage any property lost or left behind therein, save for the purpose of handing over the same as soon as is practicable to an official or to the police.

(3) All articles or objects so found are as between the finder and the Corporation or between the finder and the police to be deemed to be in the possession of the Corporation or the police (as the case may be).”.

48. Disposal of lost property

(1) By-law 41(1) is amended, in the English text, by repealing “lost property which comes” and substituting “articles or objects found and which come”.

(2) By-law 41(1)(c) is amended by repealing “goods or articles” and substituting “articles or objects”.

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

(4) By-law 41(3) is repealed and the following substituted –

“(3) Except as provided in paragraph (2), the Corporation is not liable in respect of any property to which paragraph (1) applies, whether as bailee or otherwise, and no claim for damages or compensation lies against it by any person in respect of such property.”.

49. Interpretation

By-law 41A is amended, in the definition of “permit”, by repealing “or any permit that is regarded under by-law 41F(2) as a permit issued by the Corporation under this Part”.

50. Conditions of issue of type of permits

By-law 41F(2) is repealed.

51. Removal of persons from railway premises

(1) By-law 42(1A)(b) is repealed and the following substituted –

“(b) provide false information when required to provide information under paragraph (1).”.

(2) By-law 42 is amended by adding –

“(3) An official acting in the execution of the powers conferred under paragraph (1) or (2) must produce his or her identification card prior to executing those powers.”.

52. By-law 42A added

The following is added –

“42A. Accident or emergency

No offence under by-law 8, 9 or 28A is committed by a person acting in response to an accident or other emergency on or affecting the railway premises.”.

53. By-law 44 substituted

By-law 44 is repealed and the following substituted –

“44. Indemnities for damage caused to persons and property

(1) A person (the “responsible person” for the purposes of this by-law) is liable for any injury, loss or damage to the Corporation, its property or its officials, or to any other person or property, caused by such responsible person, or by any item brought onto the railway premises by such responsible person.

(2) The responsible person must indemnify the Corporation from and against all claims, demands, costs, expenses and liability whatsoever arising from any injury, loss or damage referred to in paragraph (1).

(3) This by-law does not apply in circumstances where the injury, loss or damage referred to in paragraph (1) arises entirely from the neglect or default of an official.

(4) In this by-law and in by-laws 44A and 44C, “item” (物件) includes any animal, vehicle, article or object.”.

54. Special and General Lien

(1) By-law 44A is amended by renumbering it as by-law 44C.

(2) By-law 44C(1) is amended by repealing “motor vehicles, motorcycles, bicycles or any similar conveyance or on luggage, goods or articles” and substituting “items”.

(3) By-law 44C(1) is amended by repealing “motor vehicles, motorcycles, bicycles, similar conveyances, luggage, goods or articles” and substituting “items”.

(4) By-law 44C(2) is amended by repealing “motor vehicles, motorcycles, bicycles or similar conveyances or the luggage, goods and articles” and substituting “items”.

55. By-laws 44A and 44B added

The following are added –

“44A. Payment of sums sufficient to indemnify the Corporation

(1) Where –

(a) a person (the “responsible person” for the purposes of this by-law) requires the Corporation or any official to carry or take custody of any item; and

(b) a claim is made by or on behalf of any other person (including personal representatives of the same) arising out of the carriage or custody by the Corporation or any official of the item,

the responsible person must indemnify the Corporation against any such claim and any cost, loss, damage or expense incurred in connection therewith.

(2) Where a claim referred to in paragraph (1) is made against an official, the Corporation must hold any such sum or sums paid under that paragraph in respect of such a claim in trust for the official concerned.

44B. Preservation of other causes of action

(1) Nothing in these by-laws and no prosecution or step or action taken under these by-laws is a bar to any further or other claim for damages or other remedy or relief available to the Corporation or any other person acting on behalf of the Corporation against any person.

(2) Any sum leviable by or payable to the Corporation or any other person acting on behalf of the Corporation under these by-laws or howsoever otherwise (including, without limitation, any fare, excess fare or surcharge) whether by way of penalty, debt, damages, costs, loss, expense or otherwise is receivable by the Corporation or its lawful agents as a debt due on demand and is enforceable as a civil debt.”.

56. Liability of staff

By-law 45 is amended by repealing “, servant or agent”.

57. Penalties

(1) Schedule 2 is amended by repealing the entry relating to by-law 4 and substituting –

“4(a)	Trespass	\$5,000 fine and 6 months imprisonment
4(b)	Entering or leaving the railway premises other than by proper use of gates, barriers or turnstiles	\$5,000 fine”.

(2) Schedule 2 is amended by repealing the entry relating to by-law 5.

(3) Schedule 2 is amended, in the entry relating to by-law 7, in column 2, by repealing “Depositing or throwing of rubbish, etc.” and substituting “Missiles, articles, etc. not to be thrown on or from railway premises”.

(4) Schedule 2 is amended by adding –

“15(1) Travel without ticket or with \$5,000 fine”.
invalid ticket

(5) Schedule 2 is amended, in the entry relating to by-law 17(1), in column 2, by repealing “produce a ticket” and substituting “hand in tickets”.

(6) Schedule 2 is amended, in the entry relating to by-law 17(2), in column 2, by repealing “hand in tickets” and substituting “produce a ticket”.

(7) Schedule 2 is amended by adding –

“17(5) Failure to produce evidence \$5,000 fine
of entitlement to a free or
concessionary ticket

17(7) Failure to surrender a free or \$5,000 fine”.
concessionary ticket

(8) Schedule 2 is amended, in the entry relating to by-law 24, in column 3, by repealing “\$5,000 fine” and substituting “\$2,000 fine”.

(9) Schedule 2 is amended, in the entry relating to by-law 25, in column 2, by repealing “Passenger causing a nuisance” and substituting “Causing nuisance prohibited”.

(10) Schedule 2 is amended, in the entry relating to by-law 26A, in column 2, by repealing “Playing radios, cassettes, etc.” and substituting “Use of audio-playing device”.

(11) Schedule 2 is amended, in the entry relating to by-law 28A, in column 2, by repealing “Improper operation of equipment, etc.” and substituting “Damage to railway premises, trains, plant and equipment and unlawful use of equipment”.

(12) Schedule 2 is amended, in the entry relating to by-law 28B, in column 3, by repealing “\$3,000 fine” and substituting “\$5,000 fine”.

(13) Schedule 2 is amended, in the entry relating to by-law 28C(1) and (2), in column 3, by repealing “\$3,000 fine” and substituting “\$2,000 fine”.

(14) Schedule 2 is amended by repealing the entry relating to by-law 28D.

(15) Schedule 2 is amended by repealing the entry relating to by-law 28E.

(16) Schedule 2 is amended, in the Chinese text, in the entry relating to by-law 28F, in column 2, by repealing “神智不清” and substituting “昏醉”.

(17) Schedule 2 is amended by repealing the entry relating to by-law 28G and substituting –

“28G	Soiling etc. of another’s	\$2,000 fine”.
	clothing or personal effects	

(18) Schedule 2 is amended by repealing the entry relating to by-law 28H and substituting –

“28H(1)(a)	Inappropriate language	\$2,000 fine
28H(1)	Inappropriate behaviour	\$5,000 fine”.
(aa), (b),		
(c), (d),		
(da) and		
(e)		

(19) Schedule 2 is amended, in the entry relating to by-law 28I, in column 3, by repealing “\$3,000 fine and 3 months imprisonment” and substituting “\$5,000 fine and 6 months imprisonment”.

(20) Schedule 2 is amended, in the entry relating to by-law 29, in column 2, by repealing “, etc.” and substituting “for alms etc.”.

(21) Schedule 2 is amended, in the entry relating to by-law 30, in column 3, by repealing “and 6 months imprisonment”.

(22) Schedule 2 is amended by repealing the entry relating to by-law 31.

(23) Schedule 2 is amended by repealing the entry relating to by-law 32 and substituting –

“32(1) and Display of materials for \$5,000 fine”.
 (2) purpose of advertisement etc.
 prohibited

(24) Schedule 2 is amended by repealing the entry relating to by-law 32A.

(25) Schedule 2 is amended by repealing the entry relating to by-law 33 and substituting –

“33 Vehicles not to be left on \$5,000 fine”.
 railway premises

(26) Schedule 2 is amended by repealing the entry relating to by-law 35 and substituting –

“35 Failure of vehicle drivers and For a first
 operators to comply with offence, a fine
 traffic signs etc. of \$5,000 and 3
 months
 imprisonment
 For a second or
 subsequent
 offence, a fine
 of \$5,000 and 6
 months
 imprisonment”.

(27) Schedule 2 is amended, in the entry relating to by-law 36, in column 2, by adding “or operating of vehicles” after “driving”.

(28) Schedule 2 is amended, in the entry relating to by-law 37, in column 1, by repealing “37” and substituting “37(1)”.

(29) Schedule 2 is amended, in the entry relating to by-law 37(1), in column 2, by repealing “Vehicles on certain parts of railway premises” and substituting “Vehicles prohibited on certain parts of railway premises”.

(30) Schedule 2 is amended, in the entry relating to by-law 38, in column 2, by repealing “Firearms” and substituting “Carrying firearms or ammunition”.

(31) Schedule 2 is amended, in the entry relating to by-law 41J, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(32) Schedule 2 is amended, in the entry relating to by-law 41K, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(33) Schedule 2 is amended, in the entry relating to by-law 41L, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(34) Schedule 2 is amended, in the entry relating to by-law 41M, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(35) Schedule 2 is amended, in the entry relating to by-law 41P, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(36) Schedule 2 is amended, in the entry relating to by-law 41Q, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(37) Schedule 2 is amended, in the entry relating to by-law 41R, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(38) Schedule 2 is amended, in the entry relating to by-law 42(1) and (1A)(a), in column 3, by repealing “and 6 months imprisonment”.

(39) Schedule 2 is amended, in the entry relating to by-law 42(1A)(b), in column 2, by repealing “Giving false or misleading particulars of name, address or telephone number” and substituting “Providing false information when required to provide information under by-law 42(1)”.

(40) Schedule 2 is amended, in the entry relating to by-law 42(1A)(b), in column 3, by repealing “and 6 months imprisonment”.

Made under the Common Seal of the MTR Corporation Limited on
2010.

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

Chief Executive Officer

Secretary

Explanatory Note

On 2 December 2007 the Mass Transit Railway Ordinance (Cap. 556) was amended by the Rail Merger Ordinance (11 of 2007) to provide the necessary legislative framework for the merger of the operations of the Kowloon-Canton Railway Corporation and the MTR Corporation Limited.

2. As part of that legislative exercise –

- (a) amendments were made to the Mass Transit Railway By-laws (Cap. 556 sub. leg. B); and
- (b) a new Bylaw, the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556 sub. leg. H), was made,

to provide for the operation of the North-west Railway previously operated by the Kowloon-Canton Railway Corporation. The new Bylaw replicated, with minor amendment, the wording of then-existing Bylaws made by the Kowloon-Canton Railway Corporation in respect of the North-west Railway.

3. In the course of the passage of the Bill proposing the amendments to the Mass Transit Railway Ordinance (Cap. 556), the MTR Corporation Limited undertook, at the request of the Legislative Council, to review the provisions of the 2 instruments mentioned above having regard to the following objectives identified by the Legislative Council –

- (a) reconciling the two sets of Bylaws to achieve consistency;
- (b) reviewing the need for retaining certain provisions in the Bylaws, having regard to present-day circumstances, and the operational need and requirements of railway operations;
- (c) reviewing the appropriateness of the maximum penalty levels for various offences, having regard to the nature and seriousness of the offences, and the maximum penalty levels for similar offences in other legislation; and
- (d) improving the drafting of the Bylaws to achieve consistency and enhance clarity.

4. That review has been completed and amendments are now being proposed to achieve those objectives. This Bylaw amends the Mass Transit Railway Bylaws (Cap. 556 sub. leg. B). A separate Bylaw, the Mass Transit Railway (North-west Railway) (Amendment) Bylaw 2010 (L.N. of 2010), amends the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556 sub. leg. H).

**MASS TRANSIT RAILWAY (NORTH-WEST RAILWAY)
(AMENDMENT) BYLAW 2010**

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MASS TRANSIT RAILWAY (NORTH-WEST RAILWAY) (AMENDMENT) BYLAW 2010

(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 comes into operation on 1 September 2010.

2. Interpretation

(1) Section 1(2) of the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556 sub. leg. H) is amended, in the definition of “bus”, by repealing ““bus” (巴士)” and substituting ““bus of the railway” (鐵路巴士)”.

(2) Section 1(2) is amended by repealing the definition of “fare” and substituting –

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

(3) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (a), by adding “in accordance with the conditions of issue” after “expired”.

(4) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (b), by repealing “bus” and substituting “bus of the railway”.

(5) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (c), by repealing “use contained or referred to in” and substituting “issue or”.

(6) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (c), by repealing “or travel; and” and substituting “; or”.

(7) Section 1(2) is amended, in the English text, in the definition of “invalid ticket”, in paragraph (d), by adding “which” before “in case of a smart card”.

(8) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (d), by repealing “bus or boards or attempts to board any vehicle of the North-west Railway” and substituting “bus of the railway or boards or attempts to board any vehicle of the railway”.

(9) Section 1(2) is amended, in the definition of “invalid ticket”, in paragraph (d), by adding “or” at the end.

(10) Section 1(2) is amended, in the definition of “invalid ticket”, by adding –

“(e) improperly damaged, altered or interfered with or whose coded data has been improperly altered, erased or damaged either wholly or in part;”.

(11) Section 1(2) is amended, in the definition of “official”, by repealing “, servant”.

(12) Section 1(2) is amended by repealing the definition of “passenger” and substituting –

““passenger” (乘客) means a person for whom a ticket is issued or fare has been paid and who is lawfully travelling on a bus of the railway or on the railway;”.

(13) Section 1(2) is amended by repealing the definition of “surcharge” and substituting –

““surcharge” (附加費) means such amount as may be specified in the conditions of issue but not exceeding an amount equal to –

- (a) fifty times the prevailing maximum adult single fare on the railway or bus of the railway at the time the surcharge is imposed; or
- (b) the amount of a fine at level 2,

whichever is the lower;”.

(14) Section 1(2) is amended, in the definition of “ticket”, by repealing “bus” and substituting “bus of the railway”.

(15) Section 1(2) is amended, in the definition of “ticket office”, by repealing “any” and substituting “an”.

(16) Section 1(2) is amended, in the English text, in the definition of “ticket office”, by repealing “tickets” and substituting “a ticket”.

(17) Section 1(2) is amended by repealing the definition of “vehicle” and substituting –

““vehicle” (車輛) means any motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance;”.

(18) Section 1(2) is amended, in the definition of “vehicle of the North-west Railway”, by repealing ““vehicle of the North-west Railway” (西北鐵路車輛)” and substituting ““vehicle of the railway” (鐵路車輛)”.

(19) Section 1(2) is amended, in the Chinese text, in the definition of “鐵路車輛”, by repealing “行走於鐵路，或用於與鐵路相關用途上” and substituting “在鐵路上運行或與運行有關連”.

(20) Section 1(2) is amended by adding –

““concessionary ticket” (特惠車票) means a ticket issued at a special fare or subject to special conditions, privileges or restrictions in the conditions of issue;

“conditions of issue” (車票發出條件) means the conditions of issue of a ticket issued under section 2(2);

“identification card” (職員證), in respect of an official, means a valid identification card issued by the Corporation to that official and evidencing that person to be an official;”.

3. Section 2 substituted

Section 2 is repealed and the following substituted –

“2. Tickets

(1) All tickets whether issued by or on behalf of the Corporation are issued subject to this Bylaw and to the conditions of issue.

(2) The Corporation may, from time to time, issue conditions of issue of a ticket by publishing them on the Corporation’s website.

(3) Conditions of issue must be displayed at every stop on the railway and stop for buses of the railway.”.

4. Section 3 substituted

Section 3 is repealed and the following substituted –

“3. Fares

The fares appearing in notices, lists or tables published from time to time by the Corporation and posted at stops are the authorized fares for travel on any bus of the railway or on the railway.”.

5. Tickets contain no warranty or acceptance of liability

(1) Section 4(1) is amended by repealing “bus or vehicle of the North-west Railway” wherever it appears and substituting “bus of the railway or vehicle of the railway”.

(2) Section 4(1) is amended by repealing “bus or railway services” and substituting “bus of the railway or railway services”.

(3) Section 4(2) is amended by repealing “absolute discretion” and substituting “discretion”.

(4) Section 4(2)(b) is amended by repealing “bus or vehicle of the North-west Railway” wherever it appears and substituting “bus of the railway or vehicle of the railway”.

(5) Section 4(2)(c) is amended by repealing “bus or railway service” and substituting “bus of the railway or railway service”.

(6) Section 4(2)(c) is amended by repealing “at any time” where it twice appears and substituting “on any day”.

(7) Section 4(2)(c) is amended by repealing “bus or vehicle of the North-west Railway” where it twice appears and substituting “bus of the railway or vehicle of the railway”.

(8) Section 4(3) is amended by repealing “absolute discretion” and substituting “discretion”.

(9) Section 4(3) is amended, in the Chinese text, by repealing “所描述” and substituting “所述的”.

(10) Section 4(3) is amended, in the Chinese text, by adding “的” before “申請”.

6. Entry and travel prohibited without payment of fare

(1) Section 5 is amended by repealing “the authority of an official, which authority shall not be unreasonably withheld, or except as provided in section 12(1)” and substituting “lawful authority or reasonable excuse”.

(2) Section 5(a) is amended by repealing “bus” and substituting “bus of the railway”.

(3) Section 5(b) is amended by repealing “vehicle of the North-west Railway” and substituting “vehicle of the railway”.

(4) Section 5(c) is amended by repealing “vehicle of the North-west Railway” and substituting “vehicle of the railway”.

(5) Section 5 is amended by adding “or otherwise producing it and delivering it up to an official” after “paid to the Corporation”.

7. Production of tickets and surcharge

(1) Section 6(1) is repealed and the following substituted –

“(1) Unless otherwise stated in the conditions of issue, all tickets remain the property of the Corporation and a person at any time must not, without reasonable excuse, fail or refuse at the end or sooner determination of his or her journey, or series of journeys in the case of a multiple journey or stored value ticket, to deliver up his or her ticket to the Corporation.

(1A) A passenger on any bus of the railway or vehicle of the railway or on the railway must produce any ticket for checking, inspection or verification at any time upon demand by an official.”.

(2) Section 6(3) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(3) Section 6(3) is amended, in the Chinese text, by repealing “列車”.

(4) Section 6(3) is amended, in the Chinese text, by repealing “優惠車票” and substituting “特惠車票”.

(5) Section 6(4) is amended, in the Chinese text, by repealing “優惠車票” and substituting “特惠車票”.

(6) Section 6(5) is repealed and the following substituted –

“(5) Any person holding a free or concessionary ticket while on a bus of the railway or vehicle of the railway or railway premises who fails to produce sufficient evidence to prove his or

her entitlement to hold such ticket in accordance with subsection (3) must, upon demand by an official, surrender such ticket to the official.

(6) A person other than a person authorized by or on behalf of the Corporation to do so must not sell, attempt to sell, offer for sale or invite other persons to purchase any ticket issued by or on behalf of the Corporation.”.

8. Damaging and using damaged tickets

(1) Section 7(1)(a) is amended by repealing “coded or printed data” and substituting “coded data”.

(2) Section 7(2) is amended by repealing “bus” and substituting “bus of the railway”.

(3) Section 7(2) is amended, in the Chinese text, by repealing “鐵路列車” and substituting “在鐵路乘搭列車”.

9. Section 7A added

The following is added –

“7A. Compliance with conditions of issue

A person holding a ticket must not enter, leave or travel upon or attempt to enter, leave or travel upon any bus of the railway or vehicle of the railway otherwise than in accordance with the conditions of issue.”.

10. Failures to pay fare, etc.

(1) Section 8(1) is amended by repealing “bus” and substituting “bus of the railway”.

(2) Section 8(1) is amended by repealing “fare or other sum” and substituting “fare, surcharge or other sum”.

(3) Section 8(3) is amended, in the English text, by repealing “and over” and substituting “or over”.

(4) Section 8(3) is amended by repealing “and the person upon whom the notice is served” and substituting “upon that person who”.

(5) Section 8(4) is amended by repealing “receives the notice” and substituting “is served with the notice shall sign the notice and”.

(6) Section 8(5) is amended by repealing “absolute discretion of an official dealing with tickets or passengers” and substituting “discretion of an official”.

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

(1) Section 9(1) is repealed and the following substituted –

“(1) A person (other than a person who is under the age of 3 years) must not travel or attempt to travel on any bus of the railway or vehicle of the 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;
- (d) with a personalized ticket which has been issued to another person; or
- (e) without, when travelling on a bus of the railway, having paid the appropriate fare.

(1A) Any person who contravenes subsection (1) is to be regarded as not having paid his or her fare and is liable to pay a surcharge to the Corporation and to deliver up his or her ticket (if any) to an official.”.

(2) Section 9(2)(b) is amended by repealing “season ticket” and substituting “ticket”.

(3) Section 9(2)(b) is amended by adding “conditions of issue,” before “publications,”.

(4) Section 9(2)(c) is amended by repealing “bus or vehicle of the North-west Railway” where it twice appears and substituting “bus of the railway or vehicle of the railway”.

(5) Section 9 is amended by adding –

“(3) Any person who has paid a surcharge or delivered up his or her ticket pursuant to the provisions of this section is entitled to apply in writing to the Chief Executive Officer (or his or her appointed nominee) for a review of the circumstances in which the person became liable to a surcharge or to deliver up his or her ticket and the Chief Executive Officer (or his or her appointed nominee) upon the conclusion of such review may at his or her discretion reject such application or may authorize repayment of the whole or any part of the surcharge or of the stored value (if any) that remained on the delivered up ticket.

(4) Without prejudice to subsection (1), any passenger holding a ticket who travels beyond a stop for which his or her ticket is valid is liable to pay the excess fare specified in the conditions of issue.”.

12. Passengers to examine tickets and change

(1) Section 10(3) is amended by repealing “bus” and substituting “bus of the railway”.

(2) Section 10(4) is repealed and the following substituted –

“(4) A person using an automatic vending machine to purchase a ticket must insert not less than the appropriate fare in Hong Kong legal tender for the purchase of a ticket and, subject to the Corporation’s refund verification processes, is entitled to a

refund of the amount in excess of the appropriate fare inserted into the automatic vending machine.”.

(3) Section 10(5) is repealed and the following substituted –

“(5) A person must not insert or attempt to insert into any automatic vending machine or coin change machine any coin, object or thing other than Hong Kong legal tender in the denominations identified by notice on the machine as suitable for use in that machine.”.

(4) Section 10(6) is amended by repealing “in the case of a stored value ticket”.

(5) Section 10(7) is amended by repealing “or other special type of”.

13. Exchanges and refunds

(1) Section 11(1) is amended by repealing “absolute discretion” and substituting “discretion”.

(2) Section 11(1) is amended by repealing “determined and published by the Corporation from time to time” and substituting “prescribed in the conditions of issue”.

(3) Section 11(2) is amended by repealing “absolute discretion” and substituting “discretion”.

(4) Section 11(3) is repealed and the following substituted –

“(3) The Corporation is not liable to issue a ticket in replacement of a lost or unused ticket nor is it liable to make a refund in respect of any such lost or unused ticket or in respect of a surcharge charged to any passenger in accordance with this Bylaw.”.

14. Children travelling on buses and the railway

(1) Section 12 is amended, in the heading, by repealing “buses” and substituting “buses of the railway”.

(2) Section 12 is amended, in the Chinese text, in the heading, by repealing “鐵路列車” and substituting “在鐵路乘搭列車”.

(3) Section 12(1) is amended by repealing “bus” and substituting “bus of the railway”.

(4) Section 12(1) is amended, in the Chinese text, by repealing “鐵路列車” and substituting “在鐵路乘搭列車”.

(5) Section 12(3) is amended by repealing “bus” and substituting “bus of the railway”.

(6) Section 12(3) is amended, in the Chinese text, by repealing “鐵路列車” and substituting “在鐵路乘搭列車”.

(7) Section 12(4) is amended by repealing “absolute discretion” and substituting “discretion”.

15. Refusal of access

Section 13 is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

16. Part 3 heading amended

The heading of Part 3 is amended by repealing “BUSES” and substituting “BUSES OF THE RAILWAY”.

17. Section 14 substituted

Section 14 is repealed and the following substituted –

“14. Trespass

Unless otherwise authorized by the Corporation, a person must not –

- (a) enter or remain in any part of the railway premises declared by the Corporation, by notices, signs or any other manner, to be a restricted area; or
- (b) enter or leave any part of the railway premises other than by proper use of the designated entrances or exits.”.

18. Offensive matter, materials, etc.

(1) Section 15 is amended, in the Chinese text, in the heading, by repealing “物質” and substituting “物體”.

(2) Section 15(1)(a) is repealed and the following substituted –

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

(3) Section 15(1)(b) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(4) Section 15(1)(b) is amended, in the Chinese text, by repealing “積聚” and substituting “存放”.

(5) Section 15(1)(c) is amended by repealing everything after “fly” and substituting “or pass into or over any part of the railway premises including in or on to the airspace or any overhead line above the railway premises which is likely to endanger proper railway operation;”.

(6) Section 15(1)(d) is amended by repealing “kind of”.

(7) Section 15(2) is repealed and the following substituted –

“(2) No person shall cause, permit or suffer any missile, article or other object, offensive or waste matter to be propelled at or thrown at or wilfully dropped upon any bus of the railway or vehicle of the railway or the railway likely to endanger the railway premises or railway operations.”.

19. Part 4 heading amended

The heading of Part 4 is amended by repealing “BUSES” and substituting “BUSES OF THE RAILWAY”.

20. Unlawful use of equipment on buses and the railway

(1) Section 16 is amended, in the heading, by repealing “buses” and substituting “buses of the railway”.

(2) Section 16 is amended by renumbering it as section 16(1).

(3) Section 16(1) is amended by repealing “except an official”.

(4) Section 16(1)(a) is amended by repealing “bus or vehicle of the North-west Railway or upon the railway” and substituting “bus of the railway or vehicle of the railway or on any part of the railway premises”.

(5) Section 16(1)(b) is amended by repealing “bus or vehicle of the North-west Railway” wherever it appears and substituting “bus of the railway or vehicle of the railway”.

(6) Section 16(1)(b) is amended, in the Chinese text, by repealing “任何人”.

(7) Section 16(1)(c) is repealed and the following substituted –

“(c) without prejudice to paragraph (d), attempt to enter or leave any bus of the railway or vehicle of the railway after the doors have closed, or enter or attempt to enter any bus of the railway or vehicle of the railway other than through any door thereof to or from a stop or platform unless otherwise directed by an official or other authorized person;”.

(8) Section 16(1)(d) is amended by repealing “bus or a vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

- (9) Section 16(1)(d) is amended, in the Chinese text, by repealing “任何人”.
- (10) Section 16(1)(e) is repealed and the following substituted –
- “(e) unless authorized by the Corporation, touch, use, meddle, damage or otherwise interfere with –
- (i) any door, machine or equipment, or any part thereof, used or employed in or upon any bus of the railway or vehicle of the railway or on any part of the railway premises;
 - (ii) any locomotive, train, carriage, truck or any other conveyance or any equipment thereon used or employed on or in connection with the railway;
 - (iii) any tracks, rails and supporting system including fastenings, fixtures, baseplates, plinths, sleepers and ballast;
 - (iv) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any part of the railway premises;
 - (v) any building and structure constructed or erected in or upon any part of the railway premises;
 - (vi) any electrical plant, overhead wiring or other form of electrical installation or equipment of any nature whatsoever used or employed in or upon any part of the railway;
 - (vii) any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation on a bus of the railway or vehicle of the railway or on any part of the railway premises; or

- (viii) any switch, lever or other device operating or controlling any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation on a bus of the railway or vehicle of the railway or on any part of the railway premises;
 - (f) interfere with the proper use of any automatic gate or telecommunication device;
 - (g) tamper with or wilfully impede or interfere with the operation of any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation; or
 - (h) hold or possess keys, passes or entry cards to any door or gate inside the railway premises or to any bus of the railway or vehicle of the railway and if any of the same come into a person's possession, that person must immediately surrender the same to the Corporation.”.
- (11) Section 16 is amended by adding –
- “(2) No offence under subsection (1) is committed by a person acting in response to an accident or other emergency on or affecting any bus of the railway or vehicle of the railway or any part of the railway premises.”.

21. Indemnities for damage caused to persons and property

Section 17 is repealed.

22. Compliance with notices

(1) Section 18(1) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(2) Section 18(2) is amended by repealing “bus” and substituting “bus of the railway”.

(3) Section 18(3) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

23. Feet not to be placed on seats

Section 19 is amended by repealing “any bus or on any vehicle of the North-west Railway” and substituting “any bus of the railway or on any vehicle of the railway”.

24. Smoking prohibited

Section 20 is amended by repealing “cigar or cigarette in any bus or vehicle of the North-west Railway,” and substituting “cigar, cigarette or naked flame in any form in any bus of the railway or vehicle of the railway”.

25. Spitting and litter prohibited

(1) Section 21(a) is amended by repealing “any bus or on any vehicle of the North-west Railway” and substituting “any bus of the railway or on any vehicle of the railway”.

(2) Section 21(b) is amended by repealing “deposit or throw any litter on any bus or vehicle of the North-west Railway” and substituting “place or throw any litter on any bus of the railway or vehicle of the railway”.

26. Nuisance

(1) Section 22 is amended, in the heading, by repealing “**Nuisance**” and substituting “**Inappropriate language or behaviour**”.

(2) Section 22(1) is amended by adding “, any bus of the railway or any vehicle of the railway” after “upon the railway premises”.

(3) Section 22(1)(a) is repealed and the following substituted –

“(a) use any threatening, abusive, obscene or offensive language likely to cause annoyance or offence to any person;

(aa) behave in a riotous, disorderly, indecent or offensive manner;”.

(4) Section 22(1)(b) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(5) Section 22(1)(b) is amended by adding “sign,” after “advertisement,”.

(6) Section 22(1)(c) is amended by repealing “upon the railway premises” and substituting “thereon”.

(7) Section 22(1)(d) is amended by repealing “or” at the end.

(8) Section 22(1)(e) is repealed and the following substituted –

“(e) obstruct, impede or distract an official in or from performing his or her duties; or”.

(9) Section 22(1) is amended by adding –

“(f) without the prior approval in writing of the Corporation, and subject to such terms and conditions as the Corporation may impose, use any voice recording or image recording equipment for the conduct of interviews or taking or making of films or videos.”.

(10) Section 22(2) is amended by repealing “Notwithstanding the provisions of section 40, any person” and substituting “Any person”.

(11) Section 22(2) is amended by repealing “of any other person” and substituting “personal injury caused to any official or damage or injury suffered by any other person without prejudice to his or her liability for any penalty in respect of that contravention”.

27. Section 22A added

The following is added –

“22A. Causing nuisance prohibited

A person must conduct himself or herself on any bus of the railway or vehicle of the railway or in any part of the railway premises so as not to cause a nuisance or annoyance to any passenger.”.

28. Section 23 substituted

Section 23 is repealed and the following substituted –

“23. Intoxication

Where an official has reasonable cause to believe that a person is in a state of intoxication or incapacity resulting from consuming or abusing alcohol, medicine or drugs or is in an unfit condition to be present on any bus of the railway or vehicle of the railway or any part of the railway premises, the official may direct the person to leave or not to enter any bus of the railway or vehicle of the railway or any part of the railway premises.”.

29. Section 23A added

The following is added –

“23A. Soiling etc. of another’s clothing or personal effects

A person whose dress or clothing is, in the reasonable opinion of an official, in a condition liable to soil or damage the dress or clothing or personal effects of any other person in or upon any bus of the railway or vehicle of the railway or any part of the railway premises must not enter or attempt to enter any bus of the railway or vehicle of the railway or any part of the railway premises unless an official at his or her discretion grants permission to such a person.”.

30. Singing, dancing and musical instruments prohibited

(1) Section 24 is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(2) Section 24 is amended by repealing everything after “on any musical” and substituting “instrument.”.

31. Section 24A added

The following is added –

“24A. Use of audio-playing device

(1) Unless authorized in writing by the Corporation, a person must not upon any bus of the railway or vehicle of the railway or any part of the railway premises use or attempt to use any audio-playing device so as to generate sound that is likely to cause annoyance, inconvenience or disturbance to any other person.

(2) In this section, “audio-playing device” (音響播放器件) means any device other than a musical instrument that is capable of playing a sound (whether or not in conjunction with displaying an image) and, to avoid doubt, includes –

- (a) a computer;
- (b) a game console;
- (c) a mobile telephone.

(3) To avoid doubt –

- (a) the reference in subsection (1) to using an audio-playing device so as to generate sound includes using a mobile telephone to play a ring tone;
- (b) however, nothing in subsection (1) applies to a ring tone sounded by a mobile telephone on receiving an incoming call.”.

32. Prohibited items

(1) Section 25(a) is amended by repealing “bus or vehicle of the North-west Railway” where it twice appears and substituting “bus of the railway or vehicle of the railway”.

(2) Section 25(a) is amended by adding “risk of injury to any person or” before “the likelihood of causing damage”.

(3) Section 25(a) is amended by repealing “using any bus” and substituting “using any bus of the railway”.

(4) Section 25(a) is amended, in the Chinese text, by repealing “運載容納” and substituting “運載或裝載”.

(5) Section 25(b) is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(6) Section 25(b) is amended, in the Chinese text –

(a) by repealing “或企圖進食”;

(b) by repealing “或企圖飲用”.

(7) Section 25(c) is amended by repealing “sole discretion” and substituting “discretion”.

(8) Section 25(c) is amended by adding “, any bus of the railway or any vehicle of the railway” after “railway premises”.

(9) Section 25(d) is amended by adding “, any bus of the railway or any vehicle of the railway” after “railway premises”.

33. Part 5 heading amended

The heading of Part 5 is amended by repealing “, LOITERERS”.

34. Section 26 substituted

Section 26 is repealed and the following substituted –

“26. Display of materials for purpose of advertisement etc. prohibited

(1) Except with the written authority of the Corporation, a person must not post, stick, paint or write or cause to be posted, stuck, painted or written any bill, placard, advertisement or any other matter on any bus of the railway or vehicle of the railway or any part of the railway premises.

(2) Except with the written authority of the Corporation, a person must not on any bus of the railway or vehicle of the railway or any part of the railway premises –

- (a) 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 such article; or
- (b) solicit alms or tout or ply for reward, custom or employment.”.

35. Hawking prohibited

(1) Section 27 is amended by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(2) Section 27 is amended by repealing “section 86 of that Ordinance” and substituting “section 83 of that Ordinance”.

36. Loitering prohibited

Section 28 is repealed.

37. Dealing with vehicles left on railway premises

Section 30(6) is repealed and the following substituted –

“(6) For the purposes of this section, “vehicle” (車輛) includes the contents of a vehicle and any load carried by a vehicle.”.

38. Drivers to comply with traffic signs

(1) Section 31 is amended, in the heading, by repealing “**Drivers to comply with traffic signs**” and substituting “**Vehicle drivers and operators to comply with traffic signs etc.**”.

(2) Section 31 is amended by repealing “Vehicle drivers” and substituting “The driver or operator of any vehicle”.

39. Dangerous driving

Section 32 is amended, in the heading, by adding “**or operating of vehicles**” after “**driving**”.

40. Vehicles prohibited on certain parts of railway premises

(1) Section 33 is amended by renumbering it as section 33(1).

(2) Section 33 is amended by adding –

“(2) This section does not apply to the driver or operator of any wheelchair or buggy (whether motorized or otherwise), or any similar conveyance used for the purpose of transporting persons who depend on such conveyance for mobility.”.

41. Dangerous goods

Section 34 is amended by repealing “No person not being an official duly authorized in that behalf shall bring onto any bus or any vehicle of the North-west Railway” and substituting “A person, unless authorized by the Corporation, must not bring onto any bus of the railway or any vehicle of the railway”.

42. Section 34A added

The following is added in Part 7 –

“34A. Carrying firearms or ammunition

No person not being a member of the Chinese People’s Liberation Army, a police officer, a member of the Customs and Excise Department or an officer of the Independent Commission Against Corruption may carry or have with that person on any bus of the railway or vehicle of the railway or any part of the railway premises any arms or ammunition.”.

43. Section 35 substituted

Section 35 is repealed and the following substituted –

“35. Lost property

(1) A person who finds any article or object in or upon any bus of the railway or vehicle of the railway or any part of the railway premises must report the same to an official at the nearest station or to the police as soon as is practicable.

(2) A person other than an official or the police must not remove from any bus of the railway or vehicle of the 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 or to the police.

(3) All articles or objects so found are as between the finder and the Corporation or between the finder and the police to be deemed to be in the possession of the Corporation or the police (as the case may be).”.

44. Disposal of lost property

(1) Section 36(1)(a) is amended by repealing “absolute discretion” and substituting “discretion”.

(2) Section 36(1) is amended by adding –

“(aa) identification and travel documents, certificates or any other document which the Corporation considers to be of an important or confidential nature may be disposed of by

the Corporation within such time of having come into its possession, and in such manner, as it sees fit;”.

(3) Section 36(1)(b) is amended by repealing “1 month” and substituting “3 months”.

(4) Section 36(1)(b) is amended by repealing “absolute property” and substituting “property”.

(5) Section 36(1)(b) is amended by repealing everything after “or otherwise” and substituting “as it sees fit.”.

(6) Section 36(3) is repealed and the following substituted –

“(3) Except as provided in subsection (2), the Corporation is not liable in respect of any property to which subsection (1) applies, whether as bailee or otherwise, and no claim for damages or compensation lies against it by any person in respect of such property.”.

45. Payment of sums sufficient to indemnify Corporation

Section 37 is repealed.

46. Removal of persons from railway

Section 39(2) is amended by repealing “under subsection (1) shall produce the authorization issued by the Corporation” and substituting “under this section must produce his or her identification card”.

47. Section 41 substituted

Section 41 is repealed and the following substituted –

“41. Indemnities for damage caused to persons and property

(1) A person (the “responsible person” for the purposes of this section) is liable for any injury, loss or damage to the Corporation, its property or its officials, or to any other person or property, caused by such

responsible person, or by any item brought onto any bus of the railway or vehicle of the railway or any part of the railway by such responsible person.

(2) The responsible person must indemnify the Corporation from and against all claims, demands, costs, expenses and liability whatsoever arising from any injury, loss or damage referred to in subsection (1).

(3) This section does not apply in circumstances where the injury, loss or damage referred to in subsection (1) arises entirely from the neglect or default of an official.

(4) In this section and in section 41A, “item” (物件) includes any animal, vehicle, article or object.”.

48. Sections 41A and 41B added

The following are added –

“41A. Payment of sums sufficient to indemnify the Corporation

(1) Where –

(a) a person (the “responsible person” for the purposes of this section) requires the Corporation or any official to carry or take custody of any item; and

(b) a claim is made by or on behalf of any other person (including personal representatives of the same) arising out of the carriage or custody by the Corporation or any official of the item,

the responsible person must indemnify the Corporation against any such claim and any cost, loss, damage or expense incurred in connection therewith.

(2) Where a claim referred to in subsection (1) is made against an official, the Corporation must hold any such sum or sums paid under that subsection in respect of such a claim in trust for the official concerned.

41B. Preservation of other causes of action

(1) Nothing in this Bylaw and no prosecution or step or action taken under this Bylaw is a bar to any further or other claim for damages or other remedy or relief available to the Corporation or any other person acting on behalf of the Corporation against any person.

(2) Any sum leviable by or payable to the Corporation or any other person acting on behalf of the Corporation under this Bylaw or howsoever otherwise (including, without limitation, any fare, excess fare or surcharge) whether by way of penalty, debt, damages, costs, loss, expense or otherwise is receivable by the Corporation or its lawful agents as a debt due on demand and is enforceable as a civil debt.”.

49. Penalties

(1) The Schedule is amended by adding –

“10(5) Wrongfully using machines \$5,000 fine”.

(2) The Schedule is amended, in the entry relating to section 12(3), in column 3, by repealing “\$2,000 fine” and substituting “\$5,000 fine”.

(3) The Schedule is amended by repealing the entry relating to section 14 and substituting –

“14(a) Trespass \$5,000 fine and
6 months
imprisonment

14(b) Entering or leaving the \$5,000 fine”.
railway premises other
than by proper use of

designated entrances or
exits

(4) The Schedule is amended, in the entry relating to section 16(a), in column 1, by repealing “16(a)” and substituting “16(1)(a)”.

(5) The Schedule is amended, in the entry relating to section 16(1)(a), in column 3, by repealing “and 6 months imprisonment”.

(6) The Schedule is amended, in the entry relating to section 16(b), (c) and (d), in column 1, by repealing “16(b), (c) and (d)” and substituting “16(1)(b), (c) and (d)”.

(7) The Schedule is amended, in the entry relating to section 16(1)(b), (c) and (d), in column 2, by repealing “bus or vehicle of the North-west Railway” and substituting “bus of the railway or vehicle of the railway”.

(8) The Schedule is amended, in the entry relating to section 16(e), in column 1, by repealing “16(e)” and substituting “16(1)(e), (f) and (g)”.

(9) The Schedule is amended by adding –

“16(1)(h)	Failure to surrender keys, passes or entry cards	\$5,000 fine and 6 months imprisonment”.
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(10) The Schedule is amended by repealing the entry relating to section 18 and substituting –

“18	Non-compliance with notices	\$2,000 fine”.
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(11) The Schedule is amended, in the entry relating to section 19, in column 3, by repealing “\$1,000 fine” and substituting “\$2,000 fine”.

(12) The Schedule is amended, in the entry relating to section 21, in column 3, by repealing “\$5,000 fine” and substituting “\$2,000 fine”.

(13) The Schedule is amended by repealing the entry relating to section 22 and substituting –

“22(1)(a)	Inappropriate language	\$2,000 fine
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22(1)(aa), (b), (c), (d), (e) and (f)	Inappropriate behaviour	\$5,000 fine
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22A	Causing nuisance prohibited	\$5,000 fine”.
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(14) The Schedule is amended, in the entry relating to section 23, in column 2, by repealing “Passengers in unfit or improper condition entering railway premises, etc.” and substituting “Intoxication”.

(15) The Schedule is amended by adding –

“23A	Soiling etc. of another’s clothing or personal effects	\$2,000 fine”.
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(16) The Schedule is amended by adding –

“24A	Using of audio-playing device	\$2,000 fine”.
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(17) The Schedule is amended, in the entry relating to section 25(a), (b) and (c), in column 3, by repealing “\$3,000 fine” and substituting “\$2,000 fine”.

(18) The Schedule is amended, in the entry relating to section 26, in column 2, by repealing “Unauthorized bill posting, advertising and touting” and substituting “Display of materials for purpose of advertisement etc. prohibited”.

(19) The Schedule is amended, in the entry relating to section 27, in column 3, by repealing “and 6 months imprisonment”.

(20) The Schedule is amended by repealing the entry relating to section 28.

(21) The Schedule is amended by repealing the entry relating to section 31 and substituting –

“31	Failure of vehicle drivers and operators to comply	For a first offence, a fine of \$5,000
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with traffic signs etc. and 3 months imprisonment

For a second or subsequent offence, a fine of \$5,000 and 6 months imprisonment”.

(22) The Schedule is amended, in the entry relating to section 32, in column 2, by adding “or operating of vehicles” after “driving”.

(23) The Schedule is amended, in the entry relating to section 33, in column 1, by repealing “33” and substituting “33(1)”.

(24) The Schedule is amended, in the entry relating to section 33(1), in column 2, by repealing “Vehicles on certain parts of railway premises” and substituting “Vehicles prohibited on certain parts of railway premises”.

(25) The Schedule is amended by adding –

“34A	Carrying firearms or	\$5,000 fine and
	ammunition	6 months
		imprisonment”.

(26) The Schedule is amended, in the entry relating to section 35, in column 2, by repealing “hand over lost property found” and substituting “report lost property upon discovery”.

(27) The Schedule is amended, in the entry relating to section 39(1), in column 3, by repealing “\$1,000 fine” and substituting “\$5,000 fine”.

(28) The Schedule is amended, in the entry relating to section 39(3), in column 3, by repealing “\$3,000 fine and 3 months imprisonment” and substituting “\$5,000 fine”.

Made under the Common Seal of the MTR Corporation Limited on
2010.

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

Chief Executive Officer

Secretary

Explanatory Note

On 2 December 2007 the Mass Transit Railway Ordinance (Cap. 556) was amended by the Rail Merger Ordinance (11 of 2007) to provide the necessary legislative framework for the merger of the operations of the Kowloon-Canton Railway Corporation and the MTR Corporation Limited.

2. As part of that legislative exercise –

- (a) amendments were made to the Mass Transit Railway By-laws (Cap. 556 sub. leg. B); and
- (b) a new Bylaw, the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556 sub. leg. H), was made,

to provide for the operation of the North-west Railway previously operated by the Kowloon-Canton Railway Corporation. The new Bylaw replicated, with minor amendment, the wording of then-existing Bylaws made by the Kowloon-Canton Railway Corporation in respect of the North-west Railway.

3. In the course of the passage of the Bill proposing the amendments to the Mass Transit Railway Ordinance (Cap. 556), the MTR Corporation Limited undertook, at the request of the Legislative Council, to review the provisions of the 2 instruments mentioned above having regard to the following objectives identified by the Legislative Council –

- (a) reconciling the two sets of Bylaws to achieve consistency;
- (b) reviewing the need for retaining certain provisions in the Bylaws, having regard to present-day circumstances, and the operational need and requirements of railway operations;
- (c) reviewing the appropriateness of the maximum penalty levels for various offences, having regard to the nature and seriousness of the offences, and the maximum penalty levels for similar offences in other legislation; and

(d) improving the drafting of the Bylaws to achieve consistency and enhance clarity.

4. That review has been completed and amendments are now being proposed to achieve those objectives. This Bylaw amends the Mass Transit Railway (North-west Railway) Bylaw (Cap. 556 sub. leg. H). A separate Bylaw, the Mass Transit Railway (Amendment) Bylaw 2010 (L.N. of 2010), amends the Mass Transit Railway By-laws (Cap. 556 sub. leg. B).