

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

**Review of Mass Transit Railway By-laws and
Mass Transit Railway (North-West Railway) Bylaw**

Purpose

The MTR Corporation Limited (“MTRCL”) mentioned at the meeting of the Subcommittee on Matters Relating to Railways on 19 April 2016 that it would conduct a review on the Mass Transit Railway By-laws (Cap. 556B) (“MTR By-laws”) and Mass Transit Railway (North-West Railway) Bylaw (Cap 556H) (“MTR (NWR) Bylaw”). This paper reports the findings of the review and consults Members on the way forward.

Background

2. Currently, more than 5 million passenger trips are made on the MTR network every day. With its dedicated rail corridor, as well as the cooperation of passengers, the MTR operates smoothly and effectively as a mass transit system.

3. In addition, a comprehensive legal framework is essential to ensure smooth railway operation. Upon the rail merger, having regard to the scope of MTRCL’s business, the Government amended the then Mass Transit Railway Corporation Ordinance to become the existing Mass Transit Railway Ordinance (Cap. 556) (“Ordinance”). The Ordinance grants the franchise of railway service to MTRCL and regulates the operation of the Corporation under the franchise, including the compliance with requirements concerning railway safety.

4. To enable MTRCL to provide proper and efficient railway service, Section 34 of the Ordinance stipulates that MTRCL may make bylaws. The main purpose of making bylaws is to suitably regulate the conduct of passengers so that MTRCL can provide safe, reliable and smooth railway service to passengers.

5. Upon the rail merger in 2007, the then prevailing two sets of bylaws applicable to the ex-MTR and ex-Kowloon-Canton Railway heavy rail networks were amalgamated to form the existing MTR By-

laws. The Light Rail, being an open network, has a different operating environment and nature when compared to the heavy rail network. Therefore, another set of bylaw, i.e. the MTR (NWR) Bylaw, which is adapted from bylaws under the Kowloon-Canton Railway Corporation, applies to the Light Rail network and also covers the feeder bus service provided in the North West New Territories. The two sets of bylaws came into effect on 2 December 2007. The MTR By-laws (at [Annex 1](#)) apply to the heavy rail network while the MTR (NWR) Bylaw (at [Annex 2](#)) applies to the Light Rail network and MTR buses.

6. To cater for various and diverse railway operational needs, the two sets of bylaws empower MTRCL to make detailed regulations, via notices, on daily operational issues, such as details of train operation and matters that passengers should pay attention to. Examples of these matters include size restriction on luggage, restricted areas in railway premises that are out of bound for passengers to ensure safety and areas where smoking is banned. This arrangement enables MTRCL to swiftly respond to public views through administrative measures, taking into account actual operating environment and passengers' needs. For notices on matters that may arouse wide public concern, MTRCL would consult the public for their views and monitoring.

7. This legal regulatory framework has been working effectively to support the operational needs of railway service. MTRCL has to ensure that the overall interests of passenger are protected when it makes bylaws, or notices in accordance to the bylaws, with particular importance being placed on ensuring safe, reliable and smooth railway operation. At the same time, MTRCL will also strive to balance the reasonable needs of different passengers.

8. When the Legislative Council scrutinised the legislative changes in relation to the rail merger in 2007, upon the suggestions of the Members, MTRCL undertook to conduct a subsequent review of the two sets of bylaws, taking into account the experience of operating the railway system after the rail merger and views expressed by Members at the time. MTRCL submitted the results of the review and a set of proposed amendments¹ to the Subcommittee on Matters Relating to Railways ("Subcommittee") in January 2009. The Subcommittee discussed the issue at two meetings in January 2009 and June 2010

¹ The proposed amendments at the time were primarily for removing inconsistencies, duplications and obsolescence in the two sets of bylaws. Details are set out in Legislative Council Paper No. CB(1)2089/09-10(01).

respectively². A consensus or clear direction on the amendments could not be arrived at the Subcommittee and there was no subsequent discussion on the proposed amendments in the Legislative Council since then.

9. MTRCL submitted another paper on the review of bylaws to the Subcommittee in April 2016 (details are set out in Legislative Council paper No. CB(4)854/15/16(09).) The paper states that since the rail merger, the two sets of bylaws have been catering for the operational needs of the railway and the vast majority of passengers were cooperative and complied with the bylaws. Since the two sets of bylaws had been working effectively, there was no necessity to amend the bylaws from the railway operational perspective. Having said that, MTRCL agrees that certain clauses of the two sets of bylaws could be refined to enhance clarity and consistency, and that certain obsolete clauses can be suitably amended or repealed. Therefore, under the premise that the safe, reliable and smooth railway operation will not be compromised, MTRCL agrees to conduct another review on the two sets of bylaws to see if any amendment is necessary and the review outcome will be submitted to the Subcommittee.

Review outcome

10. The preliminary phase of the latest review of the bylaws has been completed. In the review, MTRCL took into account a number of factors such as changes in the MTR network, operating environment and passenger habits in the past decade since the rail merger in December 2007, as well as technological advancements, to see whether any amendment is warranted to enhance the clarity and consistency of the provisions, and to better cater for the needs arising from the existing railway operations. The review also made reference to the proposed amendments to the bylaws in 2010 and Members' views, as previously expressed.

² Apart from the amendments to the bylaws proposed by MTRCL (which covered areas such as the consistency of the two sets of bylaws, penalty levels, and whether the bylaws had been obsolete in view of the then railway operation) and the training offered by MTRCL for its staff members, Members also raised concerns about certain clauses in the two sets of bylaws, such as what constituted "abusive language" and whether the clause should apply to private conversation. Members also discussed how "improper dressing" should be defined and how judgment should be made on the appropriateness of a passenger's clothing. MTRCL responded to Members' concerns and made suitable amendments to clauses of the two sets of bylaws based on Members' views back then. Meanwhile, MTRCL clearly stated that it was imperative that any amendment to the bylaws should not prejudice the safe, reliable and smooth railway operation in order to fully protect passengers' fundamental interests.

11. Upon review, MTRCL confirms that the two sets of bylaws continue to work effectively and there is no necessity to make major amendments. Having said that, a number of directions for possible improvements to the bylaws were identified during the review, which include:

- a) updates to keep up with technological advancements;
- b) refinement of the wording for clarity or clearer definition of authority of MTRCL;
- c) alignment between the two sets of bylaws to enhance consistency; and
- d) repeal to eliminate obsolescence or duplication.

Details of the review outcome of the MTR By-laws and MTR (NWR) Bylaw and provisions which can be amended are set out in Annex 3 and Annex 4 respectively.

Advice sought

12. Members are invited to express their views on the directions for amendments mentioned in paragraph 11 and amendment proposals set out in Annex 3 and Annex 4.

MTR Corporation Limited
April 2017

Chapter:	556B	MASS TRANSIT RAILWAY BY-LAWS	Gazette Number	Version Date
		Empowering section	13 of 2000; L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000

(Cap 556, section 34)*

[29 September 1986]

(Originally L.N. 175 of 1986)

Note:

* **These By-laws were made under section 25 of the repealed Mass Transit Railway Corporation Ordinance (Cap 270). See section 64 and Schedule 4 to the Mass Transit Railway Ordinance (Cap 556).**

Part:	I	PRELIMINARY	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	1	Citation	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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These by-laws may be cited as the Mass Transit Railway By-laws.

Bylaw:	2	Interpretation	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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In these by-laws, unless the context otherwise requires-

"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; (L.N. 201 of 1994)

"conditions of issue" (車票發出條件) means the conditions of issue of tickets for travel upon the railway published from time to time by or on behalf of the Corporation and posted at its stations; (L.N. 201 of 1994; L.N. 8 of 1998)

"fare" (車費) means the fare payable by any passenger to whom or on whose behalf a ticket is issued by or on behalf of the Corporation for use on the railway;

"first class ticket" (頭等車票) means a ticket bearing on it the number "1" and issued at the prevailing first class full single or return fare for the journey being made or to be made or a smart card which has had the authorization code for first class travel recorded on it by an automatic processing device immediately prior to the ticket holder entering the first class compartment; (L.N. 156 of 2007)

"goods" (貨物) includes livestock and any other animal; (L.N. 156 of 2007)

"official" (人員) means any person duly authorized to act on behalf of the Corporation;

"paid area" (已付車費區域) means that part of the railway premises-

(a) set aside for the use of fare-paying passengers; and

(b) provided with ticket gates, barriers or turnstiles for the purposes of entry or exit, and includes the trains when in service; (L.N. 201 of 1994)

"passenger" (乘客) means a person to whom or on whose behalf a ticket is issued and who is lawfully within the paid area; (L.N. 201 of 1994)

"railway" (鐵路) means the railway as defined in the Ordinance excluding the North-west Railway as defined in the

Ordinance; (13 of 2000 s. 64; L.N. 156 of 2007)

"railway premises" (鐵路處所) means the railway premises other than railway premises of the North-west Railway; (L.N. 156 of 2007)

"railway premises of the North-west Railway" (西北鐵路處所) means that part of the railway premises as defined in the Ordinance belonging to or appertaining to the North-west Railway but excludes any carriageway of the North-west Railway not designated by the Commissioner for the purpose of the definition of "road" under section 2 of the Road Traffic Ordinance (Cap 374); (L.N. 156 of 2007)

"surcharge" (附加費) means such amount, not exceeding an amount equal to fifty times the maximum adult single fare at the time the surcharge is to be paid, as may be specified in the conditions of issue; (L.N. 201 of 1994)

"ticket" (車票) means any form of ticket, card, pass or permit from time to time issued by the Corporation, or by persons duly authorized by the Corporation, for travel on the railway, or regarded under by-law 10(1A) as a ticket issued by or on behalf of the Corporation; (L.N. 201 of 1994; L.N. 156 of 2007)

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

"train" (列車) means any train (or carriage or compartment thereof) owned by or in the possession of the Corporation. (L.N. 156 of 2007)

Part:	II	TRESPASS AND DAMAGE TO RAILWAY PREMISES	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	3	Admission	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) The Corporation reserves the right to refuse to admit any person onto the railway premises or any part thereof at any time.

(2) The Corporation may open or close any entrance to or exit from any station or platform or any part of the paid area or any other part of the railway premises at such times as it considers expedient without incurring any liability to any person for any loss or damage however arising as a result thereof. (L.N. 201 of 1994)

Bylaw:	3A	Authorized crossing places and conditions of crossing	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation may by notice stipulate periods or times at which a crossing place for animals, persons, motor vehicles, motorcycles, bicycles or other conveyances may be used over the railway premises or any part thereof and the conditions upon which such crossing place may be used.

(L.N. 156 of 2007)

Bylaw:	4	Trespass	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) No person, unless otherwise authorized by the Corporation, shall-

(a) enter into or upon any part of the railway premises, other than those parts clearly defined by means of notices, indicators and other directions for the use of persons using, or intending to use the railway; or (L.N. 201 of 1994)

(b) enter or leave such parts other than by proper use of such gates, barriers or turnstiles (if any) provided for such entry or exit.

(2) (Repealed L.N. 201 of 1994)

(3) A person shall be responsible for any injury, loss or damage caused to the Corporation's property or staff or to any other person or property by such person or by any article or animal brought by him onto the railway premises

and he shall indemnify the Corporation from and against any liability to any other person resulting therefrom.

Bylaw:	4A	No vehicles, animals, etc. to be brought across the railway premises	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall pass or attempt to bring, pass, drive or conduct any motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance or any thing including animals across the railway premises or any part thereof at any time except by notice published by or on behalf of the Corporation under this by-law nor shall any such person omit to shut or refasten any gate, door, chain or barrier as soon as he and any conveyance, animal or other thing has passed through the same.

(L.N. 156 of 2007)

Bylaw:	4B	Unauthorized structures	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall cause permit or suffer any kind of building or structure to be constructed or erected upon or remain upon the railway premises without the written authority of the Corporation.

(L.N. 156 of 2007)

Bylaw:	5	Damage to railway premises, trains, plant and equipment	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall improperly touch, use, meddle, damage or otherwise interfere with-

- (a) any machine or equipment, or any part thereof, used or employed in or upon any part of the railway premises;
- (b) any locomotive, train, carriage, truck or any other conveyance or any equipment thereon used or employed on or in connexion with the railway;
- (ba) any tracks, rails and supporting system including fastenings, fixtures, baseplates, plinths, sleepers and ballast; (L.N. 201 of 1994; L.N. 156 of 2007)
- (bb) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any part of the railway premises; (L.N. 156 of 2007)
- (bc) any building and structure constructed or erected in or upon on any part of the railway premises; or (L.N. 156 of 2007)
- (c) 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.

Bylaw:	6	Sewage etc. not to be placed on railway premises	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall cause, permit or suffer- (L.N. 156 of 2007)

- (a) any sewage, drainage or other offensive matter to flow onto or enter or be placed on any part of the railway premises;
- (b) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation; or
- (c) the water or contents of any reservoir, tank, ponds, duct or water or other container under the control of the Corporation or forming part of or being upon the railway premises or any part thereof to be used, abstracted or polluted in any way.

(L.N. 201 of 1994; L.N. 156 of 2007)

Bylaw:	7	Rubbish etc. not to be thrown on or from railway premises	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall deposit or throw, or cause to be deposited or thrown, at, on or from the railway premises any glass, stone, missile or any rubbish or other offensive or waste matter.

Bylaw:	8	Improper use of emergency equipment	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person, unless otherwise authorized by the Corporation, shall activate any emergency or safety device on the railway premises save for the express purpose for which the same is provided and in accordance with the instructions printed thereon.

Bylaw:	9	Wrongfully entering or leaving trains	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person shall enter or leave or attempt to enter or leave any train after the doors have commenced to close. (L.N. 201 of 1994; L.N. 156 of 2007)

(2) No person shall interfere with any doors or gates within the railway premises including any train doors and platform screen doors. (L.N. 156 of 2007)

Part:	III	FARES AND TICKETS	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	10	Tickets*	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) All tickets issued by or on behalf of the Corporation are issued subject to these by-laws and to the conditions of issue.

(1A) All tickets which were issued by or on behalf of KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(a) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 (L.N. 162 of 2007) shall from the Merger Date be regarded as tickets issued by or on behalf of the Corporation subject to these by-laws and to the conditions of issue. (L.N. 156 of 2007)

(2) Any person to whom or on whose behalf a ticket is issued or who otherwise acquires a ticket shall be deemed to have knowledge of and to have agreed to these by-laws and to the conditions of issue.

(L.N. 201 of 1994)

Note:

* (Replaced L.N. 156 of 2007)

Bylaw:	11	Fares	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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The fares appearing in notices, lists or tables published from time to time by the Corporation and posted at stations are the authorized fares for travel upon the railway.

Bylaw:	12	Tickets contain no warranty or acceptance of liability	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) The Corporation does not warrant that a passenger will be conveyed on any particular train or that any train shall depart or arrive at a particular time or times or that the issue of a ticket will be completed before the departure of any train and the Corporation will not be liable to any person for any loss or damage arising from any delay or detention caused by the alteration, suspension or withdrawal of the Corporation's train services (or a part thereof) for any reason whatsoever.

(2) The Corporation may at its discretion and without being liable to any person for any loss or damage caused thereby-

- (a) suspend or discontinue the issue of tickets whether issued from a ticket office or by an automatic vending machine;
- (b) despatch any train from a station before the arrival of any other train without affording the passengers in the arriving train an opportunity to alight and board the departing train; and
- (c) suspend, discontinue or otherwise withdraw all or any train services from any station on any day or suspend, discontinue or withdraw the running of any train or alter the times of departure or arrival of any train.

Bylaw:	12A	Insufficient class accommodation	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation shall not be liable for any failure to carry a passenger in any first class compartment of any train where there is insufficient first class accommodation. In case of such insufficient accommodation, a ticket may be refunded before the passenger in respect of whom the ticket has been issued travels on any train.

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

(L.N. 156 of 2007)

Bylaw:	13	Compliance with conditions of issue	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) No person shall enter, leave or travel upon or attempt to enter, leave or travel upon the railway otherwise than in accordance with the conditions of issue.

(2) Every passenger shall leave the paid area within such period as may be prescribed in the conditions of issue failing which he shall, where he has no reasonable excuse for remaining within the paid area after the expiry of such period, pay the maximum fare for a single direction journey on the railway as specified in the conditions of issue.

(L.N. 201 of 1994)

Bylaw:	14	Entry and travel prohibited without ticket	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall, without lawful authority or reasonable excuse-

- (a) enter or leave, or attempt to enter or leave, the paid area; or
- (b) travel or attempt to travel upon any part of the railway,

without first paying his fare and obtaining a valid ticket appropriate to the circumstances of his intended journey and using that ticket by inserting it into an automatic gate or by using it in an appropriate manner over the electronic sensor of an automatic gate as may be required by the conditions of issue of such ticket on entering or leaving the paid area or otherwise producing it and delivering it up to an official.

(L.N. 201 of 1994)

Bylaw:	14A	Failure to pay fares, etc.	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall, prior to leaving the paid area, fail or refuse to pay any fare, surcharge or other sum leviable in accordance with these by-laws.

(L.N. 201 of 1994)

Bylaw:	15	Travel where ticket is lost, damaged or expired	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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- (1) If a person (other than a person who is under the age of 3 years) is within the paid area-
 - (a) without a ticket;
 - (aa) with a ticket which is invalid for travel in the carriage or compartment of the train in which the ticket holder is travelling, and in the case of a passenger travelling in a first class compartment, with a smart card which has not had the authorization code for first class travel encoded on it by an automatic processing device immediately prior to the ticket holder entering a first class compartment; (L.N. 156 of 2007)
 - (b) with 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) with a ticket that has expired; or
 - (d) with a concessionary ticket when he does not meet any of the conditions upon which the ticket is issued, (L.N. 201 of 1994)

he shall be regarded as not having paid his fare and shall be liable both to pay a surcharge and to deliver up his ticket (if any) to an official.

(2) For the purposes of paragraph (1), a ticket shall expire in such circumstances as are provided for in the conditions of issue. (L.N. 201 of 1994)

(2A) For the purpose of this by-law, passengers occupying seats or standing including those in corridors or gangways in a first class compartment shall be regarded as travelling in a first class compartment. (L.N. 156 of 2007)

(3) Any person who has paid a surcharge or delivered up his ticket pursuant to the provisions of this by-law shall be entitled to apply in writing to the Chief Executive Officer (or his appointed nominee) for a review of the circumstances in which he became liable to a surcharge or to deliver up his ticket and the Chief Executive Officer (or his appointed nominee) upon the conclusion of such review may at his absolute discretion reject such application or may authorize repayment of the whole or any part of the surcharge or the remaining value on the delivered up ticket. (L.N. 156 of 2007)

(4) Without prejudice to paragraph (1), any passenger holding a ticket who travels beyond a station for which his ticket is valid shall be liable to pay the excess fare specified in the conditions of issue.

(L.N. 201 of 1994)

Bylaw:	16	Passengers should examine tickets and change	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) A person purchasing a ticket should examine his ticket and any change tendered before leaving any ticket office and the Corporation shall not be liable for any error or omission not drawn to its attention at the time of issue of the ticket.

(2) A person using an automatic vending machine shall insert not less than the appropriate fare in Hong Kong legal tender for the purchase of a ticket and a person is entitled to a refund of the amount in excess of the appropriate fare inserted into an automatic vending machine.

(2A) No person shall 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.

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

(4) Any passenger holding a concessionary ticket shall, if requested by an official to do so, produce to that

official acceptable proof of his entitlement to a concessionary ticket.

(L.N. 201 of 1994)

Bylaw:	17	Handing in of tickets	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Unless otherwise stated in the conditions of issue, all tickets shall remain the property of the Corporation and no person shall, without reasonable excuse, fail or refuse at the end or sooner determination of his journey, or series of journeys in the case of a multiple journey or stored value ticket, to deliver up his ticket to the Corporation. (L.N. 201 of 1994)

(2) A passenger within the paid area or within the railway premises after having immediately gained exit from the paid area must produce any ticket for checking, inspection or verification at any time upon demand by any official. (L.N. 201 of 1994)

(3) Any person who contravenes paragraph (2) shall be regarded as not having paid his fare and shall be liable to pay a surcharge.

(4) No person other than a person specifically authorized by or on behalf of the Corporation to do so shall sell, attempt to sell, offer for sale or invite other persons to purchase any ticket issued by or on behalf of the Corporation. (L.N. 156 of 2007)

Bylaw:	18	Damaging etc. a ticket	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) No person shall improperly do anything to or with a ticket whereby-

- (a) the coded data thereon is erased wholly or in part, or is otherwise altered or interfered with; or
- (b) the ticket is otherwise damaged.

(2) No person shall use or attempt to use a ticket which has been improperly altered, damaged or interfered with for the purpose of entering or leaving the paid area or travelling upon the railway.

Bylaw:	19	(Repealed L.N. 201 of 1994)	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	20	Exchanges and refunds	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) A ticket may be refunded or exchanged only at the discretion of the Corporation or its authorized agents, and the refund or exchange may be subject to the deduction of an administration charge prescribed in the conditions of issue. (L.N. 201 of 1994)

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

(3) The Corporation shall not be liable to issue a ticket in replacement of a lost or unused ticket nor will it be 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 these by-laws.

Part:	IV	CONDUCT OF PASSENGERS	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	21	Compliance with notices	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) Every person while on the railway premises shall comply with these by-laws and with all notices, indicators and all reasonable directions and requests of any official. (L.N. 201 of 1994)

(2) Without prejudice to paragraph (1), if an official determines that a train is full, no person shall enter or remain therein if directed by such official not to do so.

Bylaw:	22	Feet not to be placed on seats	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall place his feet on any seat in any part of the railway premises.

Bylaw:	23	Smoking prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall smoke or carry a lighted pipe, cigar or cigarette or naked flame in any form in any other part of the railway premises where smoking is prohibited by notice.

(L.N. 201 of 1994)

Bylaw:	23A	Fire hazard	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall place or throw any lighted cigarette end, match, tobacco, liquid, substance or any other thing upon the railway premises in a manner which constitutes or is likely to constitute a fire hazard.

(L.N. 156 of 2007)

Bylaw:	24	Spitting, etc. prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall-

- (a) spit on any part of the railway premises; or
- (b) place or throw any litter upon the railway premises, except into receptacles provided for that purpose.

Bylaw:	25	Passengers not to cause a nuisance	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall conduct himself on any train or in any part of the railway premises so as to cause a nuisance or annoyance to other passengers.

Bylaw:	26	Musical instruments etc. prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person, unless authorized by the Corporation, shall sing or dance, play or perform with any musical instrument in any part of the railway premises.

(L.N. 201 of 1994)

Bylaw:	26A	Playing radios, cassettes, etc.	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person, unless authorized in writing by the Corporation, shall play or use or attempt to play or use any radio, cassette, compact disc player, record player, portable wireless television, or any other similar device upon any part of the railway premises which shall generate noise.

(L.N. 201 of 1994)

Bylaw:	27	Prohibition on taking certain luggage, etc. and consumption of food or beverage	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall-

- (a) bring into or upon the railway premises any luggage, article or other thing which cannot be carried or otherwise accommodated on the railway without risk of injury to any person or damage to any railway property or without causing a nuisance or inconvenience to other persons using the railway; or
- (b) consume or attempt to consume any food or beverage (whether alcoholic or non-alcoholic) within the paid area (except any train for the carriage of passengers to Hong Kong from any other part of China or vice versa by the Corporation or by third parties).

(L.N. 156 of 2007)

Bylaw:	28	Animals prohibited on railway premises	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall, unless the Corporation in its sole discretion allows or permits, bring any animal or other livestock into or upon any part of the railway premises (provided that this restriction shall not apply to a guide dog accompanying a blind person).

(L.N. 201 of 1994)

Bylaw:	28A	Improper operation of equipment, etc.	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person, unless authorized by the Corporation, shall- (L.N. 156 of 2007)

- (a) operate, move, or interfere with- (L.N. 156 of 2007)
 - (i) any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation upon the railway premises; or
 - (ii) 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, the proper use of any automatic gate and telephones;
- (b) 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;
- (c) ascend or descend, or attempt to ascend or descend, by means of any escalator other than in such manner and order as is directed by the Corporation;
- (d) travel, or attempt to travel, upon any escalator or moving platform in a direction other than the direction in which it is moving;
- (e) sit upon any escalator or moving platform or any handrail or any part thereof;
- (f) 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
- (g) hold or possess keys, passes or entry cards to any door or gate inside the railway premises and shall immediately surrender the same to the Corporation as soon as the same come to their possession.

(2) In cases of accident or other emergency, a person may operate, move, or work any switch, lever or other device or mechanical, electrical, electronic, telecommunications or other appliance upon or near which is displayed a notice that it is intended to be operated in cases of accident or emergency.

(L.N. 201 of 1994; L.N. 156 of 2007)

Bylaw:	28B	Climbing barriers, turnstiles, etc. prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall climb or jump on or over any wall, fence, barrier, turnstile or post in any part of the railway premises.

(L.N. 201 of 1994)

Bylaw:	28C	Entrance or exit by improper means and queuing	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) A person shall- (L.N. 156 of 2007)

- (a) enter or attempt to enter any train through any door thereof to or from the platform at stations;
- (b) wait at the platform of a station for the arrival of a train or wait inside a train for the arrival at the platform of a station; or
- (c) gain access from the platform of a station to a train or gain access from a train to the platform of a station,

only at such time and location and in such manner as an official or other authorized persons shall reasonably provide and require.

(2) No person except a member of the staff of the Corporation or an official shall enter or leave or attempt to enter or leave any train whilst it is in motion or (except in case of accident or other emergency) between stations or otherwise than at the side of the train adjoining the platform appointed for passengers to enter or leave the train. (L.N. 156 of 2007)

(3) The Corporation may establish queues on the railway premises for the purpose of regulating the access to services and facilities provided on or in the vicinity of the railway premises. (L.N. 156 of 2007)

(4) Every person desirous of availing himself of any such service or facility described in paragraph (3) shall, upon notice or request by a member of the staff of the Corporation or an official, take up position in the rear of one of such queues established pursuant to paragraph (3) and move forward in an orderly and regular manner, and obey the reasonable instructions of any member of the staff of the Corporation or official regulating such queues. (L.N. 156 of 2007)

(L.N. 201 of 1994)

Bylaw:	28D	Entrance to trains by improper means or overloading	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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When an official determines, in his absolute discretion, that a train or part thereof contains the full load, no additional person shall enter or remain or attempt to enter or remain therein if directed by the official not to do so.

(L.N. 201 of 1994)

Bylaw:	28E	Entry to restricted area	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Unless authorized by the Corporation, no person shall enter or remain in any area declared by the Corporation, by notices, signs or any other manner as will reasonably indicate the same as restricted area.

(L.N. 201 of 1994; L.N. 156 of 2007)

Bylaw:	28F	Intoxication	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person in a state of intoxication resulting from consuming or abusing alcohol, medicine or drug or in an unfit

condition as determined by an official in his absolute discretion shall enter or remain or attempt to enter or remain upon the railway premises.

(L.N. 201 of 1994)

Bylaw:	28G	Improper dressing	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person whose dress or clothing is in a condition liable to soil or injure the dress or clothing or personal effects of any other person in or upon a railway premises shall enter or attempt to enter a train or a railway premises unless an official in his absolute discretion grants permission to such a person.

(L.N. 201 of 1994)

Bylaw:	28H	Abusive language	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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- (1) No person shall at any time while upon the railway premises-
- (a) use any threatening, abusive, obscene or offensive language, or behave in a riotous, disorderly, indecent or offensive manner;
 - (b) paint, write, draw or affix any word, representation or character upon, or wilfully soil or defile or break, cut, scratch, tear, spray, deface or damage any part of the railway premises including any train or any of the fittings, furniture, decorations or equipment, or any publication, notice, list, time-table, advertisement, sign, figure or letter, or remove or detach any such article or object;
 - (c) damage any property upon the railway premises;
 - (d) molest any person or wilfully interfere with the comfort or convenience of any such person; or
 - (e) 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 video recording or camera equipment for the conduct of interviews or taking or making of films or videos.

(2) A person offending this by-law is liable to the Corporation for the amount of the damage done to any property or personal injury caused to the officers of the Corporation or damage or injury suffered by any other person without prejudice to any penalty incurred by the contravention of this bylaw.

(L.N. 201 of 1994)

Bylaw:	28I	Flying materials endangering operations	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall cause, permit or suffer any kite, balloon, model or other thing to fly or pass into or over any part of the railway premises including any tunnel or in or on to the air space or any overhead line above the railway premises which may endanger proper railway operation.

(L.N. 201 of 1994)

Part:	V	HAWKERS, LOITERERS AND BILL POSTING	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	29	Soliciting for luggage handling alms, etc.	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall on the railway premises solicit alms or advantage of any description.

(L.N. 201 of 1994)

Bylaw:	30	Hawking prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person, unless authorized in writing by the Corporation, shall sell or expose or offer for sale any goods, wares or services in or upon any railway premises, and sections 86, 86A, 86C and 86D of the Public Health and Municipal Services Ordinance (Cap 132) shall apply to an offence under this by-law as if such offence were a hawker offence within the meaning of section 83 of that Ordinance.

Bylaw:	31	Loitering prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall loiter in or about any part of the railway premises.

(L.N. 201 of 1994)

Bylaw:	32	Bill posting etc. prohibited	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall, unless authorized in writing by the Corporation- (L.N. 201 of 1994)

- (a) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement or any other matter; or
 - (b) distribute any book, leaflet or other printed matter or any sample or other article,
- on any part of the railway premises.

Bylaw:	32A	Unauthorized display of materials for the purpose of advertisement, etc.	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person while upon the railway premises shall, except by permission of a member of the staff of the Corporation or an authorized person, display or exhibit any printed, written or pictorial matter or any article for the purpose of advertisement or publicity.

(L.N. 156 of 2007)

Part:	VI	MOTOR VEHICLES ON RAILWAY PREMISES	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	33	Motor vehicles not to be left on railway premises	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Except with the written permission of the Corporation, no person shall leave or cause to be left any motor car or other vehicle on any part of the railway premises or on any station approach road or entrance being under the control of the Corporation.

Bylaw:	34	Dealing with vehicles left on railway premises	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation may in such manner as it thinks fit remove and detain any motor car or other vehicle in respect of which a contravention of by-law 33 is committed and may charge the owner or driver thereof all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by the

contravention of that by-law.

(2) If a vehicle detained under paragraph (1) is not claimed and removed and all costs and expenses are not paid within 3 days after its detention, the Corporation shall where practicable except in the case of emergency serve on the registered owner (as defined in the Road Traffic Ordinance (Cap 374)) of the vehicle a notice informing him- (L.N. 156 of 2007)

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

(3) If a vehicle is not removed in accordance with the notice served under paragraph (2) or, if the service of such notice is impracticable, within 14 days of the date of its first detention, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise as it thinks fit. (L.N. 156 of 2007)

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

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

(6) For the purpose of this by-law "vehicle" (車輛) includes the contents of a vehicle and any load carried by a vehicle.

Bylaw:	35	Vehicle drivers to comply with signs etc.	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Vehicle drivers shall while in or upon any part of the railway premises obey all traffic signs and signals and the reasonable instructions and directions of any official.

Bylaw:	36	Dangerous driving	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall drive any motor car or other vehicle through, into or upon any part of the railway premises at a rate of speed or in a manner liable to involve danger to others.

Bylaw:	37	Vehicles prohibited on certain parts of railway premises	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person shall drive any motor car or other vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians.

Part:	VII	FIREARMS, ETC.	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	38	Firearms	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person not being a member of the Armed Forces, a police officer, a member of the Customs and Excise

Department or an officer of the Independent Commission Against Corruption shall carry or have with him on any railway premises any arms or ammunition.

(L.N. 201 of 1994)

Bylaw:	39	Dangerous goods	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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No person not being an official duly authorized by the Corporation in that behalf shall bring onto any part of the railway premises any substance or other thing which is subject to the provisions of the Dangerous Goods Ordinance (Cap 295).

(L.N. 201 of 1994)

Part:	VIIA	CARRIAGE OF LUGGAGE	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(Part VIIA added L.N. 156 of 2007)

Bylaw:	39A	Conditions of carriage of luggage	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation shall only accept luggage for carriage on the railway subject to these by-laws and the conditions of carriage of luggage set out from time to time in notices published by the Corporation.

(Added L.N. 156 of 2007)

Bylaw:	39B	Soliciting for handling of luggage	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person other than an official or a person licensed by the Corporation to do so shall solicit for engagement in or for the handling or moving or transport of any luggage or any item thereof for reward.

(Added L.N. 156 of 2007)

Part:	VIIIB	CARRIAGE OF GOODS	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(Part VIIIB added L.N. 156 of 2007)

Bylaw:	39C	Conditions of acceptance of goods	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation shall accept goods for carriage on the railway or storage subject to these by-laws and the conditions of carriage of goods set out from time to time in notices published by the Corporation.

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

(Added L.N. 156 of 2007)

Bylaw:	39D	Soliciting for handling of goods	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person other than a person licensed by the Corporation to do so shall solicit for engagement in or for the handling or moving or transport of any goods or item thereof for reward.

(Added L.N. 156 of 2007)

Part:	VIII	LOST PROPERTY	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	40	Lost property	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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A person who finds any lost property in or upon any part of the railway premises shall report to an official at the nearest station, and no person other than an official shall remove from any train or carriage any property lost or left behind therein, save for the purpose of handing over the same forthwith to an official.

(L.N. 201 of 1994)

Bylaw:	41	Disposal of lost property	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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- (1) All lost property which comes into the possession of the Corporation shall be dealt with as follows-
- (a) perishable, noxious or otherwise offensive goods or articles may be disposed of by the Corporation as soon as practicable after they have come into its possession by sale or otherwise as it sees fit;
 - (b) identification and travel documents, certificates or any other document which the Corporation shall regard to be of an important or confidential nature may be disposed of by the Corporation within such time they have come into its possession and in such manner as it sees fit; and (L.N. 201 of 1994)
 - (c) all other goods or articles shall be retained by the Corporation for a period of 1 month after they have come into its possession and, if at the end of that period they remain unclaimed, they shall be deemed to become the property of the Corporation free of all other rights and encumbrances, and it may dispose of them by sale or otherwise as it sees fit. (L.N. 201 of 1994; L.N. 156 of 2007)

(2) If within a period of 6 months of any sale or disposal by the Corporation under paragraph (1)(a) or (b) the former owner or the person formerly entitled to the beneficial ownership of the goods can establish his ownership to the satisfaction of the Corporation, he shall be paid, subject to his providing the Corporation with an indemnity in retention as the Corporation may reasonably require, the proceeds of sale, if any, less all expenses incurred by the Corporation of and incidental to the sale or disposal. (L.N. 201 of 1994)

(3) Save as provided in paragraph (2), the Corporation shall incur no liability whatsoever to any person in respect of lost property as bailees or otherwise and no claim for damages or compensation shall be brought against it by any person in respect of the same.

Part:	8A	CROSS-BOUNDARY RESTRICTED AREAS	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(Part VIIIA added L.N. 156 of 2007)

Bylaw:	41A	Interpretation	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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In this Part, unless the context otherwise requires-

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

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

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

"permit holder" (許可證持有人) means-

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

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

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

(Added L.N. 156 of 2007)

Bylaw:	41B	Gazette notice relating to cross-boundary restricted areas	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation may, by notice published in the Gazette, declare any area within the railway premises including the paid area to be a cross-boundary restricted area.

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

(Added L.N. 156 of 2007)

Bylaw:	41C	Demarcation of cross-boundary restricted areas	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation shall cause the boundaries of or entrances to every cross-boundary restricted area to be demarcated by signs or in such other manner as will reasonably indicate the cross-boundary restricted area to members of the public who might enter that area.

(Added L.N. 156 of 2007)

Bylaw:	41D	Plan showing cross-boundary restricted areas	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Chief Executive Officer may prepare and certify a plan delineating the area and boundaries of any cross-boundary restricted area and shall from time to time prepare and certify a new plan in substitution therefor and may from time to time endorse on such plan or substituted plan any amendment thereto and shall certify such endorsement.

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

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

(Added L.N. 156 of 2007)

Bylaw:	41E	Prohibition of persons without permit in cross-boundary restricted areas	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Subject to the provisions of this Part, no person shall enter or remain in a cross-boundary restricted area unless he has on his person a valid permit issued to him in respect of that area.

(Added L.N. 156 of 2007)

Bylaw:	41F	Conditions of issue of type of permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Subject to by-law 41G, the Corporation may issue-

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

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

(2) Without prejudice to the generality of the power of the Corporation to cancel any permit under by-law 41H, all permits which were issued by the KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(b) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 (L.N. 162 of 2007) shall from the Merger Date be regarded as permits issued by the Corporation under this Part.

(Added L.N. 156 of 2007)

Bylaw:	41G	Power to refuse issue of permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation may refuse to issue a permit if it appears to it that the person requiring the permit or for whom it is required-

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

(Added L.N. 156 of 2007)

Bylaw:	41H	Cancellation of permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation-

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

(Added L.N. 156 of 2007)

Bylaw:	41I	Notification of cancellation of permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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When a permit is cancelled under by-law 41H, the Corporation shall notify the permit holder and, if the Corporation thinks fit, the employer (if any) of the permit holder accordingly.

(Added L.N. 156 of 2007)

Bylaw:	41J	Surrender of permit by employee	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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A permit holder shall, upon receipt of a notice under by-law 41I, save where the notice relates to a permit which has been lost or destroyed, forthwith surrender his permit to-

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

(Added L.N. 156 of 2007)

Bylaw:	41K	Surrender of permit by employer	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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An employer to whom a permit has been surrendered by virtue of a notice under by-law 41I shall forthwith surrender that permit to the Corporation or an authorized employee specified in the notice.

(Added L.N. 156 of 2007)

Bylaw:	41L	Notification by employer	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The employer of a permit holder shall, if the nature of the employment of the permit holder no longer requires that he has access to any cross-boundary restricted area specified in his permit, or if the permit holder ceases to be employed by him, without delay-

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

(Added L.N. 156 of 2007)

Bylaw:	41M	Cessation of employment of permit holder	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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A permit holder who ceases to be employed by the person who was his employer at the date of the issue of the permit shall, immediately upon the cessation of his employment, surrender his permit to that person.

(Added L.N. 156 of 2007)

Bylaw:	41N	Exempted persons	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Subject to by-law 41O, the provisions of by-law 41E shall not apply to-

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

(Added L.N. 156 of 2007)

Bylaw:	41O	Conditions for exemption	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall be exempt from the provisions of by-law 41E by virtue of by-law 41N unless-

- (a) being a train crew member, he is in possession of a valid railway personnel pass issued pursuant to an agreement between the Corporation and any third party which provides any service for the carriage of freight or passengers to Hong Kong from any other part of China and vice versa with the Corporation;
- (b) being a departing passenger, he is in possession of a valid travel document and a valid ticket; or
- (c) being an arriving passenger, he is in possession of a valid travel document,

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

(Added L.N. 156 of 2007)

Bylaw:	41P	Lost permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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If a permit has been lost, the permit holder shall, without delay, report the loss and the circumstances thereof to-

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

(Added L.N. 156 of 2007)

Bylaw:	41Q	Employer to report lost permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Where a report has been received by an employer as to the loss of a permit and the circumstances thereof, he shall, without delay, report such loss and the circumstances thereof to the Corporation.

(Added L.N. 156 of 2007)

Bylaw:	41R	Persons finding permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Any person who finds a permit shall, without unreasonable delay, deliver it to the Corporation or any authorized employee or to the officer in charge of any police station.

(Added L.N. 156 of 2007)

Bylaw:	41S	Replacement permits	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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Where a permit has been lost, destroyed or defaced, application may be made to the Corporation by the person to whom the permit has been issued or the employer of that person for the issue of a replacement permit and the Corporation, upon being satisfied as to such loss, destruction or defacement, may, upon payment of the prescribed fee set out in Schedule 1 in the case of an applicant who is not an authorized employee, issue to the permit holder a replacement permit in substitution for the permit which has been lost, destroyed or defaced.

(Added L.N. 156 of 2007)

Bylaw:	41T	Exemption for Government officers	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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By-law 41E shall not apply to a police officer, an immigration officer or immigration assistant within the meaning of section 2(1) of the Immigration Ordinance (Cap 115), an officer of the Fire Services Department, a member of the Chinese People's Liberation Army, a member of the Customs and Excise Service within the meaning of the Customs and Excise Service Ordinance (Cap 342), the Commissioner, the Deputy Commissioner or an officer of the Independent Commission Against Corruption who requires access to the railway premises or any part thereof for the performance of his duty in circumstances of such urgency that the performance of his duty might be frustrated or seriously impaired if such by-law was to apply to him.

(Added L.N. 156 of 2007)

Bylaw:	41U	Power to exempt other classes of person	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation may, by notice in writing and subject to such conditions as it may impose, exempt any person or class of person from all or any of the requirements for entry into a cross-boundary restricted area.

(Added L.N. 156 of 2007)

Bylaw:	41V	Fees	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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The fees prescribed under these by-laws are set out in Schedule 1.

(Added L.N. 156 of 2007)

Part:	IX	ENFORCEMENT AND PENALTIES	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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Bylaw:	42	Removal of persons from railway premises	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) Any person who is reasonably suspected by an official of committing or attempting to commit any breach of these by-laws, while in or upon any part of the railway premises shall, when required to do so by such official-

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

(b) produce to that official proof of his identity for inspection. (L.N. 8 of 1998)

(1A) No person shall wilfully-

(a) fail to comply with a requirement under paragraph (1); or

(b) in complying or attempting to comply with a requirement under paragraph (1)(a), give false particulars of his name, address or telephone number or particulars of his name, address or telephone number that are misleading in a material particular. (L.N. 8 of 1998)

(2) Every official shall have the power to remove (if necessary by the use of reasonable force) from the railway premises any person whom he reasonably suspects of having committed, or attempting to commit any breach of these by-laws; without prejudice to any penalty or surcharge which may be imposed in accordance with these by-laws and in the case where such breach is an offence as herein provided he shall have power to detain such person until he can be delivered into the custody of a police officer to be dealt with according to law. (L.N. 201 of 1994)

Bylaw:	43	Offences and penalties	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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A person who contravenes a by-law set out in the first column of Schedule 2 commits an offence and is liable to the penalty set out in the third column of that Schedule opposite the reference to that by-law.

(L.N. 156 of 2007)

Bylaw:	44	Saving of Corporation's rights	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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(1) Nothing in these by-laws and no prosecution or step or action hereunder shall bar any further or other claim for damages or other remedy or relief available to the Corporation against any person.

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

Bylaw:	44A	Special and General Lien	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Without prejudice to the generality of any of these by-laws, the Corporation shall have a special lien on all motor vehicles, motorcycles, bicycles or any similar conveyance or on luggage, goods or articles howsoever brought by any person upon the railway premises including any train of the Corporation and accepted for carriage on the railway or storage by the Corporation under by-law 39C and shall also have a general lien against the owner of any such motor vehicles, motorcycles, bicycles, similar conveyances, luggage, goods or articles for any sum of money howsoever due on any account from such person or owner to the Corporation.

(2) If any lien is not satisfied within a reasonable time, the Corporation may, in its absolute discretion, sell the motor vehicles, motorcycles, bicycles or similar conveyances or the luggage, goods and articles or any part of them

and apply the proceeds so arising in or towards the discharge of such lien including for the expenses of sale; and the balance of any proceeds if unclaimed within a period of 4 weeks following the sale shall become the general revenue of the Corporation free from any claims in relation thereto.

(L.N. 156 of 2007)

Bylaw:	45	Liability of staff	L.N. 136 of 2000; G.N. 3903 of 2000	30/06/2000
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The acceptance of a ticket by a passenger or person shall be conclusive evidence of his agreement that each and every limitation and exemption from liability afforded to the Corporation by these by-laws shall extend to each official, servant or agent of the Corporation.

Bylaw:	46	Proper law to be laws of Hong Kong	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Any dispute howsoever arising directly or indirectly under or in respect of these by-laws or any of them in regard to any matter, act, event, or thing of whatsoever nature arising or occurring hereunder shall be governed by and interpreted in accordance with the laws of Hong Kong wherever the matter, act, event or thing shall take place and whatever the nationality, domicile or usual place of residence of any person or party to such dispute and every action or claim arising directly or indirectly therefrom brought by or against the Corporation shall be and the same is hereby submitted to the exclusive jurisdiction of a competent court of jurisdiction in Hong Kong.

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

(L.N. 156 of 2007)

Schedule:	1	PERMIT FEES	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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[by-laws 41F,
41S & 41V]

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

(Schedule 1 added L.N. 156 of 2007)

Schedule:	2	PENALTIES	L.N. 156 of 2007; L.N. 200 of 2007	02/12/2007
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[by-law 43]
(L.N. 156 of 2007)

By-law	Summary of offence	Maximum penalty
4	Trespass	\$5000 fine
4A	Bringing vehicles, animals, etc. across the railway premises	\$5000 fine and 6 months imprisonment
4B	Unauthorized structures	\$5000 fine and 6 months imprisonment

5	Damage to railway premises, plant and equipment	\$5000 fine and 6 months imprisonment
6	Sewage placed on railway premises	\$5000 fine and 6 months imprisonment
7	Depositing or throwing of rubbish, etc.	\$5000 fine and 6 months imprisonment
8	Improper use of emergency equipment	\$5000 fine
9	Wrongfully entering or leaving train	\$2000 fine
14	Entry and travel without a ticket	\$5000 fine
14A	Failure to pay fares, etc.	\$5000 fine
16(2A)	Wrongfully using machines	\$5000 fine
17(1)	Failure to produce a ticket	\$5000 fine
17(2)	Failure to hand in tickets	\$5000 fine
17(4)	Sale of tickets	\$5000 fine
18(1)	Damaging a ticket	\$5000 fine
18(2)	Using a damaged ticket	\$5000 fine
21	Non-compliance with notices, etc.	\$2000 fine
22	Feet placed on seats	\$2000 fine
23	Smoking	\$5000 fine
23A	Fire hazard	\$5000 fine and 6 months imprisonment
24	Spitting and litter	\$5000 fine
25	Passenger causing a nuisance	\$5000 fine
26	Playing musical instruments, etc.	\$2000 fine
26A	Playing radios, cassettes, etc.	\$2000 fine
27(a)	Bringing prohibited items of luggage, etc.	\$2000 fine
27(b)	Consumption of food or beverage	\$2000 fine
28	Bringing animals	\$2000 fine
28A	Improper operation of equipment, etc.	\$5000 fine and 6 months imprisonment
28B	Climbing barriers, turnstiles, etc.	\$3000 fine
28C(1) and (2)	Entrance or exit by improper means	\$3000 fine
28C(4)	Failure to queue	\$2000 fine
28D	Entrance to trains by improper means or overloading	\$5000 fine
28E	Entry to restricted area	\$5000 fine and 6 months imprisonment
28F	Intoxication	\$5000 fine
28G	Improper dressing	\$5000 fine
28H	Abusive language	\$5000 fine
28I	Flying materials endangering operations	\$3000 fine and 3 months imprisonment
29	Soliciting, etc.	\$5000 fine
30	Hawking	\$5000 fine and 6 months imprisonment
31	Loitering	\$2000 fine and
32	Bill posting, etc.	\$5000 fine and 3 months imprisonment
32A	Unauthorized display of materials for the purpose of advertisement, etc.	\$5000 fine
33	Motor vehicles left on railway premises	\$4000 fine
35	Failure of vehicle driver to comply with signs	\$4000 fine and 2 months imprisonment
36	Dangerous driving	\$5000 fine and 6 months imprisonment

37	Vehicles on certain parts of railway premises	\$5000 fine		
38	Firearms	\$5000 fine and 6 months imprisonment		
39	Dangerous goods	\$5000 fine and 6 months imprisonment		
39B	Soliciting for handling of luggage	\$5000 fine		
39D	Soliciting for handling of goods	\$5000 fine		
40	Failure to report lost property upon discovery	\$2000 fine		
41E	Entry to cross-boundary restricted area	\$5000 fine and 6 months imprisonment		
41J	Failure of employee to surrender cancelled permit	\$1000 fine		
41K	Failure of employer to surrender cancelled permit	\$1000 fine		
41L	Failure of employer to notify and surrender permit	\$1000 fine		
41M	Failure of permit holder to surrender permit upon cessation of employment	\$1000 fine		
41P	Failure of permit holder to report loss of permit	\$1000 fine		
41Q	Failure of employer to report loss of permit	\$1000 fine		
41R	Failure to deliver lost permit upon discovery	\$1000 fine		
42(1) and (1A)(a)	Failure to give particulars of name, address or telephone number or to produce proof thereof or of identity	\$5000 fine and 6 months imprisonment		
42(1A)(b)	Giving false or misleading particulars of name, address or telephone number	\$5000 fine and 6 months imprisonment		

(L.N. 201 of 1994; L.N. 8 of 1998; L.N. 156 of 2007)

Chapter:	556H	MASS TRANSIT RAILWAY (NORTH-WEST RAILWAY) BYLAW	Gazette Number	Version Date
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		Empowering section	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(Cap 556, section 34)

[2 December 2007] *L.N. 200 of 2007*

(Originally L.N. 158 of 2007)

Part:	1	PRELIMINARY	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	1	Interpretation	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) (Omitted as spent)

(2) In this Bylaw, unless the context otherwise requires—

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

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

“Corporation” (公司) means the MTR Corporation Limited;

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

“invalid ticket” (失效車票) means a ticket—

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

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

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

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

“railway” (鐵路) means the North-west Railway;

“railway premises” (鐵路處所) means railway premises belonging to or appertaining to the North-west Railway but excludes any carriageway of the North-west Railway not designated by the Commissioner for Transport for the purpose of the definition of “road” under section 2 of the Road Traffic Ordinance (Cap 374);

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

“surcharge” (附加費) means such amount as may be specified in notices, lists, tables or other publications issued

by or on behalf of the Corporation from time to time and shall be—

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

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

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

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

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

Part:	2	TICKETS AND FARES	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	2	Tickets	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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- (1) All tickets whether specifically referred to in this Bylaw or not are issued subject to—
 - (a) this Bylaw; and
 - (b) any special conditions stated or referred to on such tickets or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation.

(2) A passenger shall be deemed to have knowledge of and to have agreed to this Bylaw and any special conditions in relation to any ticket used by him or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation and the liability of the Corporation (if any) shall be limited but not extended thereby.

Section:	3	Fares	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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The fares appearing from time to time in notices, lists, tables or other publications issued by or on behalf of the Corporation are the authorized fares for travel on any bus or on the railway.

Section:	4	Tickets contain no warranty or acceptance of liability	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation does not warrant that a passenger will be conveyed on any particular bus or vehicle of the North-west Railway or that any bus or vehicle of the North-west Railway shall arrive or depart at a particular time or stop or that the issue of a ticket will be completed before the departure of any bus or vehicle of the North-west Railway and the Corporation will not be liable to any person for any loss or damage whatsoever arising from any delay or detention caused by the alteration suspension interference with or withdrawal of the Corporation’ s bus or railway services (or a part thereof) for any reason whatsoever.

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

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

North-west Railway at any time and for any period of time and alter the times of departure and arrival of any bus or vehicle of the North-west Railway and the routes thereof.

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

Section:	5	Entry and travel prohibited without payment of fare	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall without the authority of an official, which authority shall not be unreasonably withheld, or except as provided in section 12(1)—

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

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

Section:	6	Production of tickets and surcharge	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) All tickets shall remain the property of the Corporation and must be produced at any time on any bus or on the railway on demand being made therefor by any official.

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

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

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

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

Section:	7	Damaging and using damaged tickets	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person shall improperly do anything to or with a ticket whereby—

- (a) the coded or printed data thereon is erased wholly or in part or is otherwise altered or interfered with;
or
- (b) the ticket is otherwise damaged.

(2) No person shall use or attempt to use for travel on any bus or the railway a ticket which has been improperly altered damaged or which has been otherwise interfered with and, in the case of using a smart card as a ticket which is unable to communicate with an automatic processing device for tickets.

Section:	8	Failures to pay fare, etc.	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Save as provided under subsections (2), (3), (4), (5) and (6), no person prior to leaving any bus or the railway shall fail to or refuse to pay any fare or other sum payable to the Corporation in accordance with this Bylaw.

(2) When a person is liable to pay a surcharge, payment shall be made immediately on demand by an official and payment shall be made to the official demanding the surcharge.

(3) When a person aged 16 years and over is unable in the opinion of an official to make immediate payment of a surcharge, the demand of the surcharge by the Corporation shall be made by way of service of a notice in writing and the person upon whom the notice is served shall sign the notice and shall make payment of the surcharge not later

than 14 days from the date of service of the notice.

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

(5) The decision as to whether a person is unable to make immediate payment of a surcharge shall be in the absolute discretion of an official dealing with tickets or passengers and shall be final and binding for all purposes without liability of whatever nature for any loss and damage whatsoever and howsoever arising from any such decision.

(6) The Corporation shall be entitled at its own discretion to deduct the surcharge wholly or in part from any smart card held by any passenger liable in respect thereof.

Section:	9	Travel without a ticket or with expired or inappropriate ticket	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway—

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

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

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

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

Section:	10	Passengers to examine tickets and change	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) All persons shall examine their tickets and any change tendered before leaving any ticket office.

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

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

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

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

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

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

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

Section:	11	Exchanges and refunds	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) A fare may be refunded or a ticket may be refunded or exchanged at the absolute discretion of the Corporation. Any such exchange or refund may be subject to the deduction of an administration charge determined and published by the Corporation from time to time.

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

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

Section:	12	Children travelling on buses and the railway	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Except when otherwise specified in notices, lists, tables or other publications issued by or on behalf of the Corporation, up to two children under 3 years of age may accompany each adult passenger on any bus or on the railway free of charge provided that such child or children do not occupy a seat or seats that are required for other passengers.

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

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

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

Section:	13	Refusal of access	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation or any official may refuse to admit any person onto any bus or vehicle of the North-west Railway or to any part of the railway premises at any time whom it or he believes is likely to act in a riotous, disorderly or offensive manner or whom it or he reasonably suspects of committing or attempting to commit any offence contrary to any of this Bylaw.

Part:	3	TRESPASS AND DAMAGE TO BUSES AND THE RAILWAY	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	14	Trespass and removal of trespassers	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person shall enter into or upon any part of the railway premises other than those parts clearly defined by means of notices, indicators and other directions for the use of persons using the railway, nor shall any person enter or leave such parts other than by use of the designated entrances or exits.

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

Section:	15	Offensive matter, materials, etc.	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person shall cause, permit or suffer—

- (a) any sewage, drainage or any other offensive matters to flow onto or otherwise come onto or be upon any part of the railway;
- (b) any waste product, waste material or food or refuse of any kind to be deposited on or otherwise come onto any bus or vehicle of the North-west Railway or any part of the railway;
- (c) any kite, balloon, model or other thing to fly or otherwise pass over any part of the airspace above any part of the railway;
- (d) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation.

(2) No person shall cause permit or suffer any missile, article or other object whatsoever to be propelled at or thrown at or wilfully dropped upon any bus or vehicle of the North-west Railway or other part of the railway.

Part:	4	CONDUCT OF PERSONS ON BUSES AND THE RAILWAY	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	16	Unlawful use of equipment on buses and the railway	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person except an official shall—

- (a) actuate any emergency or safety device on any bus or vehicle of the North-west Railway or upon the railway except for the express purpose for which the same is provided and in accordance with the instructions printed thereon or on a notice displayed near thereto;
- (b) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway whilst it is in motion or (except in case of accident or other emergency) between stops or otherwise than at the side of the bus or vehicle of the North-west Railway adjacent to the stop or the platform appointed for passengers to enter or leave the bus or vehicle of the North-west Railway;
- (c) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway after the doors have commenced to close;
- (d) where notices are exhibited on a bus or a vehicle of the Northwest Railway indicating that a door shall be used for entrance thereto and another door for exit therefrom (except in case of accident or other emergency) enter or attempt to enter by the door indicated for exit or leave or attempt to leave by the door indicated for entry;
- (e) operate, move, work or tamper with any mechanical or electrical appliance or any plant or equipment whatsoever which belongs to the Corporation or is constructed for the purposes of or in connection with the railway.

Section:	17	Indemnities for damage caused to persons and property	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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A person who by reason of bringing any animal, article or object on to any bus or vehicle of the North-west Railway or any part of the railway causes any injury, loss or damage whatsoever to the Corporation or its officials or any other person or causes any loss or damage whatsoever to the property of the Corporation, its officials or any other person shall indemnify the Corporation against all or any claims, demands, costs and expenses whatsoever arising therefrom in respect of any such injury, loss or damage howsoever caused:

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

Section:	18	Compliance with notices	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Every person while on a bus or vehicle of the North-west Railway or on any part of the railway premises shall comply with all notices, indicators and all reasonable directions and requests of officials.

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

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

Section:	19	Feet not to be placed on seats	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall place his feet on any seat in any bus or on any vehicle of the North-west Railway or on any other part of the railway premises.

Section:	20	Smoking prohibited	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall smoke or carry a lighted pipe, cigar or cigarette in any bus or vehicle of the North-west Railway, or any other part of the railway premises where smoking is prohibited by notice.

Section:	21	Spitting and litter prohibited	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall—

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

Section:	22	Nuisance	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) No person shall at any time while upon the railway premises—

- (a) use any threatening, abusive, obscene or offensive language or behave in a riotous, disorderly, indecent or offensive manner;
- (b) paint, write, draw or affix any word, representation or character upon or wilfully soil or defile the railway premises or break, cut, scratch, tear, deface or otherwise damage any part of the railway premises including any bus or vehicle of the North-west Railway or any of the fittings, furniture, decorations, or equipment thereof or any publication, notice, list, time-table, advertisement, number plate, number, figure or letter therein or thereupon or remove therefrom or detach any such article or object;
- (c) damage any property upon the railway premises;
- (d) molest or wilfully interfere with the comfort or convenience of any person; or
- (e) obstruct, impede or distract an official from performing his duties.

(2) Notwithstanding the provisions of section 40, any person who contravenes subsection (1) shall be liable to the Corporation for the amount of the damage done to any property of the Corporation or of any other person.

Section:	23	Passengers in unfit or improper condition	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person in a state of intoxication or who is in an unfit or improper condition shall enter or remain upon any part of the railway premises.

Section:	24	Singing, dancing and musical instruments prohibited	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person unless authorized in writing by the Corporation or any of its officials while upon any bus or vehicle of the North-west Railway or any part of the railway premises shall sing, dance or perform on any musical or other instrument or use a radio, cassette recorder, compact disc player or similar device, television or any other such electrical or mechanical device which is likely to cause annoyance, inconvenience or disturbance to any other person.

Section:	25	Prohibited items	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall—

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

Part:	5	HAWKERS, LOITERERS AND BILL POSTING	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	26	Unauthorized bill posting, advertising and touting	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person on any bus or on any vehicle of the North-west Railway or any part of the railway premises shall, except with the written authority of the Corporation—

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

Section:	27	Hawking prohibited	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person, unless authorized in writing by the Corporation, shall sell or expose or offer for sale any goods, wares or services in or on any bus or vehicle of the North-west Railway or any part of the railway premises and sections 86, 86A, 86C, and 86D of the Public Health and Municipal Services Ordinance (Cap 132) shall apply to an offence under this section as if such offence were a hawker offence within the meaning of section 86 of that Ordinance.

Section:	28	Loitering prohibited	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person other than passengers or other persons having the authority of the Corporation and on lawful business in or in connection with the railway shall loiter in or about any part of the railway premises.

Part:	6	VEHICLES ON THE RAILWAY PREMISES	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	29	Vehicles not to be left on railway premises	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Except with the written authority of the Corporation, no person shall park or leave or cause any vehicle to be parked or left on any part of the railway premises.

Section:	30	Dealing with vehicles left on railway premises	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) The Corporation may in such manner as it thinks fit remove and detain any vehicle in respect of which a contravention of section 29 is committed and may charge the owner or driver thereof all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by contravention of that section.

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

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

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

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

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

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

Section:	31	Drivers to comply with traffic signs	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Vehicle drivers while in or upon any part of the railway premises shall obey all traffic signs and signals and the reasonable instructions and directions of officials.

Section:	32	Dangerous driving	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall drive or operate any vehicle through, into or upon any part of the railway premises in excess of the speed indicated by a notice, indicator, sign or signal or by an official or in a manner likely to involve danger to

others.

Section:	33	Vehicles prohibited on certain parts of railway premises	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person shall drive or operate any vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians.

Part:	7	DANGEROUS GOODS	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	34	Dangerous goods	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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No person not being an official duly authorized in that behalf shall bring onto any bus or any vehicle of the North-west Railway or any part of the railway premises any substance or other thing which is subject to the provisions of the Dangerous Goods Ordinance (Cap 295).

Part:	8	LOST PROPERTY	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	35	Lost property	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Every person who finds any article or object in or upon any bus or vehicle of the North-west Railway or any part of the railway premises shall hand over the same to an official as soon as is practicable and no person other than an official shall remove from any bus or vehicle of the North-west Railway or any part of the railway premises any property lost or left behind therein, save for the purpose of handing over the same as soon as is practicable to an official and all articles or objects so found shall as between the finder and the Corporation be deemed to be in the possession of the Corporation.

Section:	36	Disposal of lost property	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) All articles or objects found and which come into the possession of the Corporation shall be dealt with as follows—

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

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

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

(2) of any article or object to a person other than the former lawful owner thereof.

Part:	9	LIMITATION OF LIABILITIES	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	37	Payment of sums sufficient to indemnify Corporation	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Any passenger or person or the owner of any animal, vehicle, luggage, goods, articles or things howsoever mentioned or referred to in this Bylaw shall pay to the Corporation the amount of all or any sum or sums required to indemnify the Corporation or any official from and against all or any claim made by or on behalf of any passenger or owner or other person including personal representatives of the same arising out of the carriage or custody by the Corporation or any official of any animal, vehicle, luggage, goods, articles or things and any cost, loss, damage or expense incurred in connection herewith and the Corporation shall hold any such sums paid in respect of any such claims against any cost, damage, loss or expense of any official in trust for the official concerned.

Section:	38	Limitations and exemptions	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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The Corporation in making this Bylaw do so for themselves and for and on behalf of each and every official and the payment of a fare or the acceptance of a ticket by any passenger or person shall be conclusive evidence of his or their agreement that each and every limitation and exemption afforded to the Corporation by this Bylaw or all or any of them shall extend to each such official.

Part:	10	ENFORCEMENT AND PENALTIES	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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Section:	39	Removal of persons from railway	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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- (1) Any person who is reasonably suspected by an official of committing or attempting to commit any breach of this Bylaw, while in or upon any part of the railway premises shall, when required to do so by such official—
- (a) give to that official true and correct particulars of his name and address and of his telephone number, if any, and produce proof to that effect for inspection; and
 - (b) produce to that official proof of his identity for inspection.
- (2) An official acting in execution of the powers conferred under subsection (1) shall produce the authorization issued by the Corporation prior to executing those powers.
- (3) No person shall wilfully provide false information when required to provide information under subsection (1).
- (4) An official shall have the power to remove (if necessary by the use of reasonable force) from the railway premises any person whom he reasonably suspects of having committed or attempting to commit any breach of this Bylaw, without prejudice to any penalty or surcharge which may be imposed in accordance with this Bylaw and in the case where such breach is an offence as herein provided he shall have power to detain such person until he can be delivered into the custody of a police officer to be dealt with according to law.

Section:	40	Penalties	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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A person who contravenes a section set out in the first column of the Schedule commits an offence and is liable to the penalty set out in the third column of that Schedule opposite the reference to that section.

Section:	41	Preservation of other causes of action	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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(1) Unless the context otherwise requires nothing in this Bylaw and no prosecution or step or action hereunder shall bar any further or other claim for damages or other remedy or relief which the Corporation or its agents or other persons may be entitled to prosecute or bring.

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

Schedule:		SCHEDULE	L.N. 158 of 2007; L.N. 200 of 2007	02/12/2007
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[section 40]

PENALTIES

Section	Summary of offence	Penalty
5	Entry and travel without payment of fare	\$5000 fine
6	Failure to produce tickets or pay surcharge	\$5000 fine
7	Damaging and using damaged tickets	\$5000 fine
8	Failures to pay fare, etc.	\$5000 fine
9(1)	Travel without a ticket or with expired or inappropriate ticket	\$5000 fine
12(3)	Failure to pay child fare	\$2000 fine
14	Trespass	\$5000 fine
15	Depositing offensive matter, materials, etc.	\$5000 fine and 6 months imprisonment
16(a)	Improper use of emergency or safety device	\$5000 fine and 6 months imprisonment
16(b), (c) and (d)	Improperly entering or leaving any bus or vehicle of the North-west Railway	\$2000 fine
16(e)	Tampering with equipment belonging to Corporation, etc.	\$5000 fine and 6 months imprisonment
18	Failure to comply with notices	\$1000 fine
19	Feet placed on seats	\$1000 fine
20	Smoking	\$5000 fine
21	Spitting and litter	\$5000 fine
22	Nuisance	\$5000 fine
23	Passengers in unfit or improper condition entering railway premises, etc.	\$5000 fine
24	Singing, dancing and musical instruments	\$2000 fine
25(a), (b) and (c)	Bringing prohibited items, consumption of food or beverages, etc.	\$3000 fine
25(d)	Causing fire hazard	\$5000 fine and 6 months imprisonment
26	Unauthorized bill posting, advertising and touting	\$5000 fine
27	Hawking	\$5000 fine and 6 months imprisonment
28	Loitering	\$2000 fine
29	Vehicles left on railway premises	\$5000 fine
31	Failure of drivers to comply with traffic signs	\$5000 fine and 3 months imprisonment
32	Dangerous driving	\$5000 fine and 6 months imprisonment

33	Vehicles on certain parts of railway premises	\$5000 fine
34	Dangerous goods	\$5000 fine and 6 months imprisonment
35	Failure to hand over lost property found	\$2000 fine
39(1)	Failure to give particulars of name, address or telephone number or to produce proof thereof or of identity	\$1000 fine
39(3)	Wilfully providing false information	\$3000 fine and 3 months imprisonment

Review on MTR By-laws
Directions for Amendments and Provisions Involved

1. Updates to keep up with technological advancements		
By-law	Existing provision	Remarks
2	"fare" (車費) means the fare payable by any passenger to whom or on whose behalf a ticket is issued by or on behalf of the Corporation for use on the railway;	To consider updating the interpretation of "ticket" to include smart devices.
	Not available.	To consider adding the interpretation of "automatic processing device", "smart card" and "smart device" to keep up with technological development.
	Not available.	To consider adding the interpretation of "platform screen door" which would include automatic platform gates.
16(2A)	(2A) No person shall 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.	To consider updating the by-law to cover integrated ticket machine, add-value machine and self service point as well as removing "coin change machine" as it is obsolete.

1. Updates to keep up with technological advancements		
By-law	Existing provision	Remarks
23	No person shall smoke or carry a lighted pipe, cigar or cigarette or naked flame in any form in any other part of the railway premises where smoking is prohibited by notice.	To consider updating the by-law to forbid smoking or carrying a lighted electronic cigarette.
26A	No person, unless authorized in writing by the Corporation, shall play or use or attempt to play or use any radio, cassette, compact disc player, record player, portable wireless television, or any other similar device upon any part of the railway premises which shall generate noise.	To consider if the term “audio-playing device” can be adopted to replace the devices mentioned in the provision so as to cater for technological advancements. As the intention of the by-law is to prohibit the use of devices which generate sound that is likely to cause annoyance, inconvenience and disturbance to any other person, MTRCL will consider making exemptions for ringtones from incoming calls on mobile phones.
28B	No person shall climb or jump on or over any wall, fence, barrier, turnstile or post in any part of the railway premises.	To consider adding ticket gates, automatic platform gates and platform screen doors to the by-law.

1. Updates to keep up with technological advancements		
By-law	Existing provision	Remarks
28H(1)(e)	(1) No person shall at any time while upon the railway premises- (e) 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 video recording or camera equipment for the conduct of interviews or taking or making of films or videos.	Currently, no person shall conduct interviews or take or make films or videos on railway premises without prior approval of MTRCL. On the current prohibition on making films or videos, MTRCL will consider exempting film- or video-taking by mobile devices as long as safety and operational needs are not affected.
2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
2	"ticket office" (票務處) means an office operated by or on behalf of the Corporation which is duly authorized to issue a ticket;	To consider adding customer service centre to the interpretation of "ticket office".
	Not available.	To consider adding an interpretation of "invalid ticket" which would include information under Section 15(1). Section 15(1) is as follows – <i>“(1) If a person (other than a person who is under the age of 3 years) is within the paid area— (a) without a ticket;</i>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		<p>(aa) with a ticket which is invalid for travel in the carriage or compartment of the train in which the ticket holder is travelling, and in the case of a passenger travelling in a first class compartment, with a smart card which has not had the authorization code for first class travel encoded on it by an automatic processing device immediately prior to the ticket holder entering a first class compartment;</p> <p>(b) with a ticket improperly damaged, altered or interfered with or whose coded data has been improperly altered, erased or damaged either wholly or in part;</p> <p>(c) with a ticket that has expired; or</p> <p>(d) with a concessionary ticket when he does not meet any of the conditions upon which the ticket is issued,</p> <p>he shall be regarded as not having paid his fare and shall be liable both to pay a surcharge and to deliver up his ticket (if any) to an official.”</p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
4A	No person shall pass or attempt to bring, pass, drive or conduct any motor vehicle, bicycle, motorcycle or other similar conveyance or any handcart, barrow or similar conveyance or any thing including animals across the railway premises or any part thereof at any time except by notice published by or on behalf of the Corporation under this by-law nor shall any such person omit to shut or refasten any gate, door, chain or barrier as soon as he and any conveyance, animal or other thing has passed through the same.	Currently Section 4A of the MTR by-laws prohibits the carriage of bicycles inside railway premises. There are calls asking MTRCL to relax the by-laws to allow the carriage of bicycles in the railway. Since the railway network is heavily used, MTRCL seeks to facilitate such request, while minimising the impact on other passengers travelling in the MTR. Currently, passengers can bring a folded bicycle or a bicycle with a wheel removed on the railway. This arrangement has been implemented for some time and has been operating effectively. MTRCL would like to use this arrangement as a basis to set clear guidelines and regulations regarding the carriage of bicycles. MTRCL proposes to remove the prohibition on the carriage of bicycles in Section 4A of the MTR By-laws, and at the same time include the guidelines and regulations on the carriage of bicycles as a “conditions of carriage” made pursuant to the bylaws. To ensure the safety of passengers, MTRCL proposes to add a provision in the MTR By-laws to prohibit cycling.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
8	No person, unless otherwise authorized by the Corporation, shall activate any emergency or safety device on the railway premises save for the express purpose for which the same is provided and in accordance with the instructions printed thereon.	To consider refining the wording to include notices about instructions displayed near emergency or safety devices, apart from “the instructions printed thereon” as stipulated.
9	(1) No person shall enter or leave or attempt to enter or leave any train after the doors have commenced to close. (2) No person shall interfere with any doors or gates within the railway premises including any train doors and platform screen doors.	To consider refining the wording to include the exception of officials in both provisions. (According to Section 2 of the MTR By-laws, "official" means any person duly authorised to act on behalf of the Corporation.)
14	No person shall, without lawful authority or reasonable excuse- (a) enter or leave, or attempt to enter or leave, the paid area; or (b) travel or attempt to travel upon any part of the railway, without first paying his fare and obtaining a valid ticket appropriate to the circumstances of his intended journey and using that ticket by inserting it into an automatic gate or by using it in an	To consider replacing “electronic sensor” with “automatic processing device” in the by-law and adding a provision to address the issue where a station does not have entry gates, e.g. Airport Station.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	appropriate manner over the electronic sensor of an automatic gate as may be required by the conditions of issue of such ticket on entering or leaving the paid area or otherwise producing it and delivering it up to an official.	
16(2)	(2) A person using an automatic vending machine shall insert not less than the appropriate fare in Hong Kong legal tender for the purchase of a ticket and a person is entitled to a refund of the amount in excess of the appropriate fare inserted into an automatic vending machine.	To consider refining the wording to specify that passengers are entitled to refund in excess of the appropriate fare, and the actual circumstances of the refund are subject to the availability of change in the ticket machine and a refund verification process.
17	<p>Handing in of tickets</p> <p>(1) Unless otherwise stated in the conditions of issue, all tickets shall remain the property of the Corporation and no person shall, without reasonable excuse, fail or refuse at the end or sooner determination of his journey, or series of journeys in the case of a multiple journey or stored value ticket, to deliver up his ticket to the Corporation.</p> <p>(2) A passenger within the paid area or within the</p>	To consider amending the heading of the by-law by replacing “Handing in of tickets” with “Production of tickets” as the latter describes MTRCL’s ticket inspection more accurately. MTRCL also considers refining the wording of the by-law to explain more clearly how passengers travelling with single journey tickets would be handled during ticket inspection. Making reference to Section 6 in the MTR (NWR) Bylaw, new provisions may also be added to include situations whereby passengers use concessionary or

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	<p>railway premises after having immediately gained exit from the paid area must produce any ticket for checking, inspection or verification at any time upon demand by any official.</p> <p>(3) Any person who contravenes paragraph (2) shall be regarded as not having paid his fare and shall be liable to pay a surcharge.</p> <p>(4) No person other than a person specifically authorized by or on behalf of the Corporation to do so shall sell, attempt to sell, offer for sale or invite other persons to purchase any ticket issued by or on behalf of the Corporation.</p>	<p>free tickets. Section 6 in the MTR (NWR) Bylaw is as follows –</p> <p><i>“Production of tickets and surcharge</i></p> <p>(1) <i>All tickets shall remain the property of the Corporation and must be produced at any time on any bus or on the railway on demand being made therefor by any official.</i></p> <p>(2) <i>Any person who refuses or fails to pay the appropriate fare or refuses or fails to produce his ticket shall be liable to pay a surcharge.</i></p> <p>(3) <i>A person holding or using a free or concessionary ticket while on the railway or on any bus or vehicle of the North-west Railway shall produce on demand by an official sufficient evidence to prove his entitlement to hold and use the ticket.</i></p> <p>(4) <i>Any person who uses a free or concessionary ticket but fails to produce sufficient evidence to prove his entitlement to such use shall be liable to pay a surcharge as if no ticket were held.</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		<i>(5) Any person who without the authority of an official, which authority shall not be unreasonably withheld, holds a free or concessionary ticket and fails to produce sufficient evidence to prove his entitlement to hold such ticket shall be required upon demand by an official to surrender such ticket to the official.”</i>
21(1)	(1) Every person while on the railway premises shall comply with these by-laws and with all notices, indicators and all reasonable directions and requests of any official.	To consider adding a qualification to MTRCL’s authority to make it clear that notices and indicators would only be issued because of safety reasons or operational considerations and officials would only give reasonable directions and requests on the same basis.
26	Musical instruments etc. prohibited No person, unless authorized by the Corporation, shall sing or dance, play or perform with any musical instrument in any part of the railway premises.	To consider revising the heading of this by-law to “Unauthorized performances prohibited” to better reflect the behaviours prohibited.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
27(b)	No person shall- (b) consume or attempt to consume any food or beverage (whether alcoholic or non-alcoholic) within the paid area (except any train for the carriage of passengers to Hong Kong from any other part of China or vice versa by the Corporation or by third parties).	MTRCL notes that there are different views concerning the prohibition on the consumption of beverage in the paid area – there are views that the consumption of water should be allowed, and some opine that the existing provision is not clear on whether “beverage” includes water. MTRCL has carefully examined the issue. The MTR system currently serves more than 5 million passenger trips per day. MTRCL strives to provide a safe, clean and comfortable travelling environment. To help achieve this, no person shall consume any food or beverage within the paid area, and beverage includes water. Although the consumption of water poses a lesser concern regarding hygiene than those by other types of beverage, the exemption of water might give rise to enforcement difficulty, as some other types of beverage are also transparent. Besides, if the beverage is in colored or opaque containers, it will be difficult to judge whether the beverage consumed is water or not. If this by-law cannot be effectively enforced, it will be difficult for MTRCL to maintain the existing level of hygiene and this is a consequence that all passengers have to bear should the consumption of water be allowed. MTRCL also notes that railway

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		systems in other cities have different policies regarding the consumption of water. For example, Taipei Metro and Singapore MRT forbid the consumption of water while the New York City Subway and London Tube do not have such regulation. There is no universal approach and railway operators decide on the need or otherwise for regulation based on their own operating environment. In any event, MTRCL recognises that, at times, passengers may feel unwell or need to drink water while travelling in the paid area. In such circumstances, they can always contact staff who will provide prompt and appropriate assistance.
28A	(1) No person, unless authorized by the Corporation, shall- (a) operate, move, or interfere with – (i) any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation upon the railway premises; or (ii) any switch, lever or other device operating or controlling any mechanical, electrical, electronic, telecommunications or other appliance owned by	Section 28A covers improper operation of equipment and MTRCL considers it appropriate to combine it with Section 5 which is about damage to railway premises, trains, plant and equipment as both bylaws cover similar prohibitions. Section 5 is as follows – <i>“Damage to railway premises, trains, plant and equipment</i> <i>No person shall improperly touch, use, meddle, damage or otherwise interfere with—</i>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	<p>or under the control of the Corporation upon the railway premises, the proper use of any automatic gate and telephones;</p> <p>(b) 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;</p> <p>(c) ascend or descend, or attempt to ascend or descend, by means of any escalator other than in such manner and order as is directed by the Corporation;</p> <p>(d) travel, or attempt to travel, upon any escalator or moving platform in a direction other than the direction in which it is moving;</p> <p>(e) sit upon any escalator or moving platform or any handrail or any part thereof;</p> <p>(f) 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</p> <p>(g) hold or possess keys, passes or entry cards to any door or gate inside the railway premises and shall immediately surrender the same to the Corporation as soon as the same come to their</p>	<p><i>(a) any machine or equipment, or any part thereof, used or employed in or upon any part of the railway premises;</i></p> <p><i>(b) any locomotive, train, carriage, truck or any other conveyance or any equipment thereon used or employed on or in connexion with the railway;</i></p> <p><i>(ba) any tracks, rails and supporting system including fastenings, fixtures, baseplates, plinths, sleepers and ballast;</i></p> <p><i>(bb) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any part of the railway premises;</i></p> <p><i>(bc) any building and structure constructed or erected in or upon on any part of the railway premises; or</i></p> <p><i>(c) 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.”</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	possession. (2) In cases of accident or other emergency, a person may operate, move, or work any switch, lever or other device or mechanical, electrical, electronic, telecommunications or other appliance upon or near which is displayed a notice that it is intended to be operated in cases of accident or emergency.	
28F	No person in a state of intoxication resulting from consuming or abusing alcohol, medicine or drug or in an unfit condition as determined by an official in his absolute discretion shall enter or remain or attempt to enter or remain upon the railway premises.	To consider adding a qualification to MTRCL's authority to make it clear that intoxicated passengers will only be asked to leave or not enter railway premises because of safety reasons or operational considerations and that staff would enforce the by-law only when they have reasonable cause to believe a passenger is in a state of intoxication.
28G	Improper dressing No person whose dress or clothing is in a condition liable to soil or injure the dress or clothing or personal effects of any other person in or upon a railway premises shall enter or attempt to enter a train or a railway premises unless an official in his absolute discretion grants permission to such a person.	To consider amending the heading to clarify that the by-law is about prohibiting the soiling of another person's clothing instead of improper dressing. MTRCL will also consider refining the wording to make it clear that staff would only enforce the by-law when they are in the reasonable opinion that a passenger's clothing or personal effects may affect other passengers.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
28H	<p>Abusive language</p> <p>(1) No person shall at any time while upon the railway premises-</p> <p>(a) use any threatening, abusive, obscene or offensive language, or behave in a riotous, disorderly, indecent or offensive manner;</p> <p>(b) paint, write, draw or affix any word, representation or character upon, or wilfully soil or defile or break, cut, scratch, tear, spray, deface or damage any part of the railway premises including any train or any of the fittings, furniture, decorations or equipment, or any publication, notice, list, time-table, advertisement, sign, figure or letter, or remove or detach any such article or object;</p> <p>(c) damage any property upon the railway premises;</p> <p>(d) molest any person or wilfully interfere with the comfort or convenience of any such person; or</p> <p>(e) 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 video recording or camera</p>	<p>To consider amending the heading to “Offensive language or behavior”.</p> <p>To consider refining the wording of Section 28H(1)(a) to provide that only abusive language likely to cause annoyance or offence to any person would be prohibited, while the wording on prohibition against other inappropriate behaviors will be retained. MTRCL will also consider adopting the wording of Section 22(1)(e) in the MTR (NWR) Bylaw. Section 22 in the MTR (NWR) Bylaw is as follows –</p> <p>“Nuisance</p> <p><i>(1) No person shall at any time while upon the railway premises—</i></p> <p><i>(a) use any threatening, abusive, obscene or offensive language or behave in a riotous, disorderly, indecent or offensive manner;</i></p> <p><i>(b) paint, write, draw or affix any word, representation or character upon or wilfully soil or defile the railway premises or break, cut, scratch, tear, deface or otherwise damage any part of the railway premises including</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	<p>equipment for the conduct of interviews or taking or making of films or videos.</p> <p>(2) A person offending this by-law is liable to the Corporation for the amount of the damage done to any property or personal injury caused to the officers of the Corporation or damage or injury suffered by any other person without prejudice to any penalty incurred by the contravention of this bylaw.</p>	<p><i>any bus or vehicle of the North-west Railway or any of the fittings, furniture, decorations, or equipment thereof or any publication, notice, list, time-table, advertisement, number plate, number, figure or letter therein or thereupon or remove therefrom or detach any such article or object;</i></p> <p><i>(c) damage any property upon the railway premises;</i></p> <p><i>(d) molest or wilfully interfere with the comfort or convenience of any person; or</i></p> <p><i>(e) obstruct, impede or distract an official from performing his duties.</i></p> <p><i>(2) Notwithstanding the provisions of section 40, any person who contravenes subsection (1) shall be liable to the Corporation for the amount of the damage done to any property of the Corporation or of any other person.”</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
28I	No person shall cause, permit or suffer any kite, balloon, model or other thing to fly or pass into or over any part of the railway premises including any tunnel or in or on to the air space or any overhead line above the railway premises which may endanger proper railway operation.	To consider refining the wording to prohibit flying materials that are likely to affect either safety or proper railway operations and not just those that may endanger proper railway operation only.
29	No person shall on the railway premises solicit alms or advantage of any description.	To consider amending the wording to prohibit soliciting of alms except those authorised by MTRCL as there are charity activities which involve donation conducted on railway premises.
35	Vehicle drivers shall while in or upon any part of the railway premises obey all traffic signs and signals and the reasonable instructions and directions of any official.	To consider refining the wording to include operator of vehicle.
36	No person shall drive any motor car or other vehicle through, into or upon any part of the railway premises at a rate of speed or in a manner liable to involve danger to others.	To consider refining the wording to include operator of vehicle. Besides prohibiting driving and operating vehicles in a manner liable to involve danger to others, MTRCL also considers that there should be prohibition on driving and operating vehicles in excess of speed indicated by notice, sign or signal in the by-law.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
37	No person shall drive any motor car or other vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians.	To consider amending the wording to cover the prohibition of operating vehicles.
41(1)(c)	(1) All lost property which comes into the possession of the Corporation shall be dealt with as follows- (c) all other goods or articles shall be retained by the Corporation for a period of 1 month after they have come into its possession and, if at the end of that period they remain unclaimed, they shall be deemed to become the property of the Corporation free of all other rights and encumbrances, and it may dispose of them by sale or otherwise as it sees fit.	To consider refining the wording to extend retention period of lost property from 1 month to 3 months.
41A	"permit" (許可證) means any permit issued under this Part or any permit that is regarded under by-law 41F(2) as a permit issued by the Corporation under this Part;	To consider refining the wording of the interpretation of "permit" to correspond with proposed repeal of Section 41F(2) which is deemed obsolete. Section 41(F)(2) is as follows –

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By-law	Existing provision	Remarks
		<p><i>“Conditions of issue of type of permits</i></p> <p><i>(2) Without prejudice to the generality of the power of the Corporation to cancel any permit under by-law 41H, all permits which were issued by the KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(b) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 shall from the Merger Date be regarded as permits issued by the Corporation under this Part.”</i></p>
42(1A)(b)	(1A) No person shall wilfully- (b) in complying or attempting to comply with a requirement under paragraph (1)(a), give false particulars of his name, address or telephone number or particulars of his name, address or telephone number that are misleading in a material particular.	To consider simplifying the wording to cover false information in general.

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
2	Not available.	To consider adopting the interpretation of “vehicle” in the MTR (NWR) Bylaw which follows the Road Traffic Ordinance (Cap. 374). According to the Road Traffic Ordinance, vehicle means any vehicle whether or not mechanically propelled which is constructed or adapted for use on roads but does not include a vehicle of the North-west Railway or a tram.
6	No person shall cause, permit or suffer- (a) any sewage, drainage or other offensive matter to flow onto or enter or be placed on any part of the railway premises; (b) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation; or (c) the water or contents of any reservoir, tank, ponds, duct or water or other container under the control of the Corporation or forming part of or being upon the railway premises or any part thereof to be used, abstracted or polluted in any way.	To consider making reference to the wording of Section 15(1) in the MTR (NWR) Bylaw. Section 15(1) in the MTR (NWR) Bylaw is as follows – <i>“Offensive matter, materials, etc. (1) No person shall cause, permit or suffer— (a) any sewage, drainage or any other offensive matters to flow onto or otherwise come onto or be upon any part of the railway; (b) any waste product, waste material or food or refuse of any kind to be deposited on or otherwise come onto any bus or vehicle of the North-west Railway or any part of the railway;</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p>(c) any kite, balloon, model or other thing to fly or otherwise pass over any part of the airspace above any part of the railway;</p> <p>(d) any kind of construction materials, construction plant or equipment to be deposited on or otherwise come upon and remain upon or pass across the railway premises except with the written authority of the Corporation.”</p>
11	The fares appearing in notices, lists or tables published from time to time by the Corporation and posted at stations are the authorized fares for travel upon the railway.	<p>To consider adopting the wording of Section 3 in the MTR (NWR) Bylaw which include all notices, lists, tables or publications issued by MTRCL as authorized fares. With new technology, it may be more effective to inform customers of changes to fares via different channels including electronic means. Section 3 in the MTR (NWR) Bylaw is as follows –</p> <p>“Fares <i>The fares appearing from time to time in notices, lists, tables or other publications issued by or on behalf of the Corporation are the authorized fares for travel on any bus or on the railway.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
12	<p>(1) The Corporation does not warrant that a passenger will be conveyed on any particular train or that any train shall depart or arrive at a particular time or times or that the issue of a ticket will be completed before the departure of any train and the Corporation will not be liable to any person for any loss or damage arising from any delay or detention caused by the alteration, suspension or withdrawal of the Corporation's train services (or a part thereof) for any reason whatsoever.</p> <p>(2) The Corporation may at its discretion and without being liable to any person for any loss or damage caused thereby-</p> <p>(a) suspend or discontinue the issue of tickets whether issued from a ticket office or by an automatic vending machine;</p> <p>(b) despatch any train from a station before the arrival of any other train without affording the passengers in the arriving train an opportunity to alight and board the departing train; and</p> <p>(c) suspend, discontinue or otherwise withdraw all or any train services from any station on any day or suspend, discontinue or withdraw the running of</p>	<p>To consider making reference to the wording of Section 4 in the MTR (NWR) Bylaw. Section 4 in the MTR (NWR) Bylaw is as follows –</p> <p><i>“Tickets contain no warranty or acceptance of liability</i></p> <p><i>(1) The Corporation does not warrant that a passenger will be conveyed on any particular bus or vehicle of the North-west Railway or that any bus or vehicle of the North-west Railway shall arrive or depart at a particular time or stop or that the issue of a ticket will be completed before the departure of any bus or vehicle of the North-west Railway and the Corporation will not be liable to any person for any loss or damage whatsoever arising from any delay or detention caused by the alteration suspension interference with or withdrawal of the Corporation's bus or railway services (or a part thereof) for any reason whatsoever.</i></p> <p><i>(2) The Corporation may in its absolute discretion do all or any of the following</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	any train or alter the times of departure or arrival of any train.	<p><i>without being liable to any person for any loss or damage caused thereby—</i></p> <p><i>(a) suspend or discontinue the issue of tickets howsoever issued;</i></p> <p><i>(b) despatch any bus or vehicle of the North-west Railway from a stop before the arrival of any other bus or vehicle of the North-west Railway without affording passengers an opportunity of alighting and boarding the bus or vehicle of the North-west Railway;</i></p> <p><i>(c) suspend, discontinue or otherwise withdraw all or any bus or railway service from any stop at any time and for any period of time or suspend, discontinue or withdraw the running of any bus or vehicle of the North-west Railway at any time and for any period of time and alter the times of departure and arrival of any bus or vehicle of the North-west Railway and the routes thereof.</i></p> <p><i>(3) The Corporation may in its absolute discretion consider applications for a refund where a ticket is unused as a consequence of the circumstances described in subsection</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		(2).”
14A	No person shall, prior to leaving the paid area, fail or refuse to pay any fare, surcharge or other sum leviable in accordance with these by-laws.	<p>To consider adopting wording of Section 8 in the MTR (NWR) Bylaw (except for Section 8(6), as it has not been MTRCL’s practice to deduct surcharge from passengers’ smart cards and such action, at MTRCL’s discretion, is not practical). Section 8 in the MTR (NWR) Bylaw is as follow –</p> <p><i>“Failures to pay fare, etc.</i></p> <p><i>(1) Save as provided under subsections (2), (3), (4), (5) and (6), no person prior to leaving any bus or the railway shall fail to or refuse to pay any fare or other sum payable to the Corporation in accordance with this Bylaw.</i></p> <p><i>(2) When a person is liable to pay a surcharge, payment shall be made immediately on demand by an official and payment shall be made to the official demanding the surcharge.</i></p> <p><i>(3) When a person aged 16 years and over is unable in the opinion of an official to make immediate payment of a surcharge, the demand of the surcharge by the Corporation</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p><i>shall be made by way of service of a notice in writing and the person upon whom the notice is served shall sign the notice and shall make payment of the surcharge not later than 14 days from the date of service of the notice.</i></p> <p><i>(4) When a person under the age of 16 years is unable in the opinion of an official to make immediate payment of the surcharge, the demand of the surcharge by the Corporation shall be made by way of service of a notice in writing upon his parent, legal guardian or next of kin and the person who receives the notice shall make payment of the surcharge not later than 14 days from the date of service of the notice.</i></p> <p><i>(5) The decision as to whether a person is unable to make immediate payment of a surcharge shall be in the absolute discretion of an official dealing with tickets or passengers and shall be final and binding for all purposes without liability of whatever nature for any loss and damage whatsoever and howsoever arising from any such decision.</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<i>(6)The Corporation shall be entitled at its own discretion to deduct the surcharge wholly or in part from any smart card held by any passenger liable in respect thereof.”</i>
15(1)	<p>(1) If a person (other than a person who is under the age of 3 years) is within the paid area-</p> <p>(a) without a ticket;</p> <p>(aa) with a ticket which is invalid for travel in the carriage or compartment of the train in which the ticket holder is travelling, and in the case of a passenger travelling in a first class compartment, with a smart card which has not had the authorization code for first class travel encoded on it by an automatic processing device immediately prior to the ticket holder entering a first class compartment;</p> <p>(b) with a ticket improperly damaged, altered or interfered with or whose coded data has been improperly altered, erased or damaged either wholly or in part;</p> <p>(c) with a ticket that has expired; or</p> <p>(d) with a concessionary ticket when he does not</p>	<p>To consider adopting wording of Section 9 in the MTR (NWR) Bylaw. Section 9 in the MTR (NWR) Bylaw is as follow –</p> <p><i>“Travel without a ticket or with expired or inappropriate ticket</i></p> <p><i>(1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway—</i></p> <p><i>(a) without a ticket;</i></p> <p><i>(b) with a ticket which has been altered without the authority of the Corporation or any of its officials or which has been damaged;</i></p> <p><i>(c) with an invalid ticket; or</i></p> <p><i>(d) with a personalized ticket which has been issued to another person,</i> <i>he shall be regarded as not having paid his fare</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>meet any of the conditions upon which the ticket is issued, he shall be regarded as not having paid his fare and shall be liable both to pay a surcharge and to deliver up his ticket (if any) to an official.</p>	<p><i>and shall be liable to pay a surcharge to the Corporation.</i></p> <p><i>(2) For the purposes of subsection (1)—</i></p> <p><i>(a) a ticket shall expire and becomes invalid in the event that a passenger fails to complete the journey to which the ticket relates within 2 hours of being issued with a ticket;</i></p> <p><i>(b) the period of validity and special conditions governing a season ticket or a stored value ticket shall be those printed upon the ticket or, if no period of validity or special conditions are printed upon the ticket such period of validity and special conditions as are set out in the publications, notices, lists or tables issued by or on behalf of the Corporation from time to time;</i></p> <p><i>(c) a person who is on any bus or vehicle of the North-west Railway and who subsequently leaves or attempts to leave the bus or vehicle of the North-west Railway or the railway premises shall, in the absence of proof to the contrary, be presumed to have travelled upon</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p><i>the railway;</i></p> <p><i>(d) all tickets issued by or on behalf of the Corporation shall be delivered up at the request of an official if they have become invalid whether or not any stored value remains in such ticket.”</i></p>
18	<p>Damaging etc. a ticket</p> <p>(1) No person shall improperly do anything to or with a ticket whereby-</p> <p>(a) the coded data thereon is erased wholly or in part, or is otherwise altered or interfered with; or</p> <p>(b) the ticket is otherwise damaged.</p> <p>(2) No person shall use or attempt to use a ticket which has been improperly altered, damaged or interfered with for the purpose of entering or leaving the paid area or travelling upon the railway.</p>	<p>To consider adopting the heading of Section 7 in the MTR (NWR) Bylaw. Section 7 in the MTR (NWR) Bylaw is as follows –</p> <p><i>“Damaging and using damaged tickets</i></p> <p><i>(1) No person shall improperly do anything to or with a ticket whereby—</i></p> <p><i>(a) the coded or printed data thereon is erased wholly or in part or is otherwise altered or interfered with; or</i></p> <p><i>(b) the ticket is otherwise damaged.</i></p> <p><i>(2) No person shall use or attempt to use for travel on any bus or the railway a ticket which has been improperly altered damaged or which has been otherwise interfered with and, in the case of using a smart card as a</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<i>ticket which is unable to communicate with an automatic processing device for tickets.”</i>
33	Except with the written permission of the Corporation, no person shall leave or cause to be left any motor car or other vehicle on any part of the railway premises or on any station approach road or entrance being under the control of the Corporation.	To consider adopting wording of Section 29 in the MTR (NWR) Bylaw. Section 29 in the MTR (NWR) Bylaw is as follows – <i>“Vehicles not to be left on railway premises Except with the written authority of the Corporation, no person shall park or leave or cause any vehicle to be parked or left on any part of the railway premises.”</i>
34	(1) The Corporation may in such manner as it thinks fit remove and detain any motor car or other vehicle in respect of which a contravention of by-law 33 is committed and may charge the owner or driver thereof all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by the contravention of that by-law. (2) If a vehicle detained under paragraph (1) is not claimed and removed and all costs and expenses	To consider adopting wording of Section 30 in the MTR (NWR) Bylaw. Section 30 in the MTR (NWR) Bylaw is as follows – <i>“Dealing with vehicles left on railway premises (1) The Corporation may in such manner as it thinks fit remove and detain any vehicle in respect of which a contravention of section 29 is committed and may charge the owner or driver thereof all costs and expenses</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>are not paid within 3 days after its detention, the Corporation shall where practicable except in the case of emergency serve on the registered owner (as defined in the Road Traffic Ordinance (Cap 374)) of the vehicle a notice informing him—</p> <p>(a) of the detention of the vehicle and the place of detention; and</p> <p>(b) that, unless the vehicle is removed from the place of detention on payment of any costs and charges within 14 days after the service of the notice on him, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise.</p> <p>(3) If a vehicle is not removed in accordance with the notice served under paragraph (2) or, if the service of such notice is impracticable, within 14 days of the date of its first detention, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise as it thinks fit.</p> <p>(4) If, within 6 months after the day on which a</p>	<p><i>occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by contravention of that section.</i></p> <p><i>(2) If a vehicle detained under subsection (1) is not claimed and removed and all costs and expenses are not paid within 3 days after its detention, the Corporation shall where practicable except in the case of emergency serve on the registered owner of the vehicle (as defined in the Road Traffic Ordinance (Cap. 374)) a notice informing him—</i></p> <p><i>(a) of the detention of the vehicle and the place of detention; and</i></p> <p><i>(b) that, unless the vehicle is removed from the place of detention on payment of any costs and charges within 14 days after the service of the notice on him, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise.</i></p> <p><i>(3) If a vehicle is not removed in accordance with the notice served under subsection (2) or, if</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>vehicle is sold pursuant to paragraph (3), any person satisfies the Corporation that at the time the vehicle became the property of the Corporation by virtue of that paragraph, he was the owner of the vehicle, the Corporation shall pay to such person the balance of the proceeds of sale after deducting any costs and charges of removal and detention and any reasonable charges incurred by the Corporation in respect of the sale of the vehicle.</p> <p>(5) A notice under paragraph (2) may be served personally or by post.</p> <p>(6) For the purpose of this by-law "vehicle" (車輛) includes the contents of a vehicle and any load carried by a vehicle.</p>	<p><i>the service of such notice is impracticable, within 14 days of the date of its first detention, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise as it thinks fit.</i></p> <p><i>(4) If, within 6 months after the day on which a vehicle is sold pursuant to subsection (3), any person satisfies the Corporation that at the time the vehicle became the property of the Corporation by virtue of that subsection, he was the owner of the vehicle, the Corporation shall pay to such person the balance of the proceeds of sale after deducting any costs and charges of removal and detention and any reasonable charges incurred by the Corporation in respect of the sale of the vehicle.</i></p> <p><i>(5) A notice under subsection (2) may be served personally or by post.</i></p> <p><i>(6) For the purpose of this section "vehicle" (車輛) includes the equipment carried by or on a</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<i>vehicle.”</i>
4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
3A	The Corporation may by notice stipulate periods or times at which a crossing place for animals, persons, motor vehicles, motorcycles, bicycles or other conveyances may be used over the railway premises or any part thereof and the conditions upon which such crossing place may be used.	To repeal this by-law as it is obsolete.
5	No person shall improperly touch, use, meddle, damage or otherwise interfere with- (a) any machine or equipment, or any part thereof, used or employed in or upon any part of the railway premises; (b) any locomotive, train, carriage, truck or any other conveyance or any equipment thereon used or employed on or in connection with the railway; (ba) any tracks, rails and supporting system including fastenings, fixtures, baseplates, plinths, sleepers and ballast; (bb) any gate, door, chain, wall, fence, barrier or other erection constructed or erected in or upon any	To consider repealing this by-law about damage to railway premises and equipment as it can be combined with Section 28A which is about improper operation of equipment. Both bylaws cover similar prohibitions. Please refer to the proposed amendment for Section 28A mentioned above.

4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
	<p>part of the railway premises; (bc) any building and structure constructed or erected in or upon on any part of the railway premises; or (c) 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.</p>	
10(1A)	<p>(1A) All tickets which were issued by or on behalf of KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(a) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 shall from the Merger Date be regarded as tickets issued by or on behalf of the Corporation subject to these by-laws and to the conditions of issue.</p>	To repeal this by-law as it is obsolete.

4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
16(4)	(4) Any passenger holding a concessionary ticket shall, if requested by an official to do so, produce to that official acceptable proof of his entitlement to a concessionary ticket.	To consider repealing this by-law as the information can be added to Section 17 when it is aligned with similar provision in the MTR (NWR) Bylaw. Please refer to the aforementioned amendment to Section 17 regarding its heading (“handing in of tickets” be replaced with “production of tickets and surcharge”), and the need to explain more clearly the ticket inspection procedures of the MTRCL.
28D	When an official determines, in his absolute discretion, that a train or part thereof contains the full load, no additional person shall enter or remain or attempt to enter or remain therein if directed by the official not to do so.	To consider repealing this by-law as it is covered by Section 21(2). Section 21(2) is as follows – <i>“Compliance with notices (2) Without prejudice to paragraph (1), if an official determines that a train is full, no person shall enter or remain therein if directed by such official not to do so.”</i>
31	No person shall loiter in or about any part of the railway premises.	To repeal this by-law as it is obsolete.

4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
41F(2)	(2) Without prejudice to the generality of the power of the Corporation to cancel any permit under by-law 41H, all permits which were issued by the KCRC before the Merger Date and which continue to have effect from the Merger Date until their expiry by virtue of section 3(2)(b) of the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007 shall from the Merger Date be regarded as permits issued by the Corporation under this Part.	To repeal this by-law as it is obsolete.

Review on MTR (NWR) Bylaw
Directions for Amendments and Provisions Involved

1. Updates to keep up with technological advancements		
By-law	Existing provision	Remarks
1(2)	“invalid ticket” (失效車票) means a ticket— (d) in case of a smart card includes a smart card which has not had the appropriate authorization code recorded on it by an automatic processing device immediately before the ticket holder travels or attempts to travel on any bus or boards or attempts to board any vehicle of the North-west Railway or travels or attempts to travel on any such vehicle;	For the interpretation of “invalid ticket”, MTRCL considers updating (d) to include smart devices and coded data as technology advances.
	Not available.	To consider adding the interpretation of “smart device” to keep up with technological development.
5	No person shall without the authority of an official, which authority shall not be unreasonably withheld, or except as provided in section 12(1)— (a) travel on any bus; (b) board or attempt to board any vehicle of the North-west Railway; or	To consider adding the interpretation of “smart device”.

1. Updates to keep up with technological advancements		
By-law	Existing provision	Remarks
	(c) travel or attempt to travel upon any vehicle of the North-west Railway, unless having first paid the appropriate fare and, where a ticket is issued, obtaining the appropriate ticket and in the case of using a smart card as a ticket, using it in the appropriate manner in conjunction with an automatic processing device so that the appropriate fare is paid to the Corporation.	
20	No person shall smoke or carry a lighted pipe, cigar or cigarette in any bus or vehicle of the North-west Railway, or any other part of the railway premises where smoking is prohibited by notice.	<p>To consider updating the bylaw to forbid smoking or carrying a lighted electronic cigarette. MTRCL also considers adopting the wording of Section 23 in the MTR By-laws. Section 23 in the MTR By-laws is as follows –</p> <p><i>“Smoking prohibited</i> <i>No person shall smoke or carry a lighted pipe, cigar or cigarette or naked flame in any form in any other part of the railway premises where smoking is prohibited by notice.”</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
1(2)	“bus” (巴士) means a bus as defined in the Road Traffic Ordinance (Cap 374) and operated by or on behalf of the Corporation within the North-west Transit Service Area;	On the interpretation of “bus”, to consider replacing the subject with “bus of the railway” which would be adopted throughout the MTR (NWR) Bylaw, with the content of the interpretation unchanged.
	“passenger” (乘客) means a person who has paid a fare or on whose behalf a fare has been paid and who is lawfully travelling on any bus or the railway during the hours of business of the Corporation irrespective of whether a ticket is issued to him or on his behalf or has been otherwise acquired by him for such purpose;	To consider simplifying the wording of the interpretation of “passenger” while retaining its meaning.
	“surcharge” (附加費) means such amount as may be specified in notices, lists, tables or other publications issued by or on behalf of the Corporation from time to time and shall be— (a) an amount equal to fifty times the prevailing maximum adult single fare on any bus or railway at the time the surcharge is imposed; or (b) the maximum fine prescribed in this Bylaw, whichever is the lower;	As MTRCL proposes to replace the existing notice to passengers of Light Rail and MTR bus services by a new “conditions of issue”, the wording of the interpretation of “surcharge” would need to be refined.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	“vehicle of the North-west Railway” (西北鐵路車輛) means any train or carriage or compartment thereof used on or in connection with the railway.	For the interpretation of “vehicle of the North-west Railway”, to consider replacing the subject with “vehicle of the railway” which would be adopted throughout the MTR (NWR) Bylaw, with the content of the interpretation unchanged.
6(1)	(1) All tickets shall remain the property of the Corporation and must be produced at any time on any bus or on the railway on demand being made therefor by any official.	To consider adding that a passenger on an MTR vehicle or bus must produce a ticket for checking, inspection and verification at any time upon the demand of an official.
8(1)	(1) Save as provided under subsections (2), (3), (4), (5) and (6), no person prior to leaving any bus or the railway shall fail to or refuse to pay any fare or other sum payable to the Corporation in accordance with this Bylaw. (2)	To consider adding “surcharge” as a sum payable to MTRCL.
9(1)	(1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway— (a) without a ticket; (b) with a ticket which has been altered without the authority of the Corporation or any of its officials	To consider adding a new Section 9(1)(e) to require that passengers travelling on an MTR vehicle and bus must pay the appropriate fare.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	<p>or which has been damaged; (c) with an invalid ticket; or (d) with a personalized ticket which has been issued to another person, he shall be regarded as not having paid his fare and shall be liable to pay a surcharge to the Corporation.</p>	
10(6)	<p>(6) The amount (including a nil amount) from time to time printed on or encoded on a ticket shall be conclusive evidence of the amount paid in respect of such ticket and in the case of a stored value ticket the value (if any) remaining in such ticket.</p>	<p>To consider deleting “stored value ticket” from the bylaw as it is obsolete.</p>
11(1)	<p>(1) A fare may be refunded or a ticket may be refunded or exchanged at the absolute discretion of the Corporation. Any such exchange or refund may be subject to the deduction of an administration charge determined and published by the Corporation from time to time.</p>	<p>To consider publishing “conditions of issue” for the Light Rail system to cover matters related to tickets and fares, making reference to the current practice adopted in the heavy rail system. MTRCL also considers refining the wording of this bylaw to stipulate that the refund of a fare or refund or exchange of a ticket, as well as the related administration charge, will be subject to the “conditions of issue”.</p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
15(1)(c)	(1) No person shall cause, permit or suffer— (c) any kite, balloon, model or other thing to fly or otherwise pass over any part of the airspace above any part of the railway;	To consider refining the wording to include overhead line above railway premises and to prohibit flying objects that are likely to affect either safety or railway operations, and not just flying objects that may endanger proper railway operation only.
18(1)	(1) Every person while on a bus or vehicle of the North-west Railway or on any part of the railway premises shall comply with all notices, indicators and all reasonable directions and requests of officials.	To consider adding a qualification to MTRCL's authority to make it clear that notices and indicators would only be issued because of safety reasons or operational needs and officials would only give reasonable directions and requests on the same basis.
25(b)	No person shall— (b) except as authorized by the Corporation consume any food or beverage (whether alcoholic or non-alcoholic) on any bus or vehicle of the North-west Railway or any part of the railway premises;	MTRCL notes that there are different views concerning the prohibition on the consumption of beverage on any bus or vehicle of the North-west Railway or railway premises – there are views that the consumption of water should be allowed, and some opine that the existing provision is not clear on whether “beverage” includes water. MTRCL has carefully examined the issue. The MTR system currently serves more than 5 million passenger trips per day. MTRCL strives to provide a safe, clean and comfortable travelling environment. To help achieve this, no person shall

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL

By-law	Existing provision	Remarks
		<p>consume any food or beverage on any bus or vehicle of the North-west Railway or railway premises, and beverage includes water. Although the consumption of water poses a lesser concern regarding hygiene than those by other types of beverage, the exemption of water might give rise to enforcement difficulty, as some other types of beverage are also transparent. Besides, if the beverage is in colored or opaque containers, it will be difficult to judge whether the beverage consumed is water or not. If this by-law cannot be effectively enforced, it will be difficult for MTRCL to maintain the existing level of hygiene and this is a consequence that all passengers have to bear should the consumption of water be allowed. MTRCL also notes that railway systems in other cities have different policies regarding the consumption of water. For example, Taipei Metro and Singapore MRT forbid the consumption of water while the New York City Subway and London Tube do not have such regulation. There is no universal approach and railway operators decide on the need or otherwise for regulation based on their own operating environment. In any event, MTRCL recognises that, at times, passengers may feel unwell or need to drink</p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		water while travelling on bus or vehicle of the North-west Railway or railway premises. In such circumstances, they can always contact staff who will provide prompt and appropriate assistance.
27	No person, unless authorized in writing by the Corporation, shall sell or expose or offer for sale any goods, wares or services in or on any bus or vehicle of the North-west Railway or any part of the railway premises and sections 86, 86A, 86C, and 86D of the Public Health and Municipal Services Ordinance (Cap 132) shall apply to an offence under this section as if such offence were a hawker offence within the meaning of section 86 of that Ordinance.	<p>To consider replacing “section 86” of the Public Health and Municipal Services Ordinance at the end of the bylaw to “section 83” for accuracy. Sections 83 and 86 of the Public Health and Municipal Services Ordinance are as follows –</p> <p><i>“83. Interpretation for the purposes of sections 83A to 86D</i> <i>For the purposes of sections 83A to 86D—</i> <i>“commodity” (商品) means any goods, wares, or merchandise (including food and drink); and includes any sample of any such goods, wares, or merchandise;</i> <i>“equipment” (設備) includes any stall, table, stool, chair, utensil, container, bin, or other furniture or paraphernalia used in connection with hawking; but does not include any</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		<p><i>commodity sold, or offered or exposed for sale, by a hawker;</i></p> <p><i>“hawker offence” (小販罪行) means an offence against section 83B or against any regulations made under section 83A;</i></p> <p><i>“stall” (攤檔) includes any erection, structure, box, cart, barrow, trolley, bicycle, tricycle, van or other vehicle within the meaning of the Road Traffic Ordinance (Cap. 374).</i></p> <p>86. Seizure of hawker equipment and commodities from alleged offenders</p> <p><i>(1) A public officer authorized in writing by the Authority for the purposes of this section or a police officer may seize any equipment or commodity in respect of which he has reason to believe that a hawker offence has been committed, and may cause such equipment or commodity to be removed to and kept at the risk of its owner at a Government depot or police station, or any</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		<p><i>other place approved by the Authority, pending its disposal under this Part.</i></p> <p><i>(2) Any commodity of a perishable nature seized under subsection (1) may immediately be disposed of by the Commissioner of Police or the Authority, as the case may be.</i></p> <p><i>(3) Where any equipment or commodity has been seized under subsection (1) and a claim is made in respect of the equipment or commodity within 48 hours after the date of the seizure, the Commissioner of Police or the Authority, as the case may be, unless an information is laid within 72 hours after the date of the seizure for a hawker offence in respect of the equipment or commodity, shall, if satisfied that the claimant was entitled to the possession of the equipment or commodity at the time of the seizure—</i></p> <p><i>(a) return the equipment or commodity to the claimant; or</i></p> <p><i>(b) in the case of a perishable commodity disposed of under subsection (2), assess its value and pay to him the amount of that</i></p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
		<p><i>value.</i></p> <p><i>(4) Where a claim under subsection (3) is refused, the claimant shall be informed of his rights under section 86C.</i></p> <p><i>(5) Where an information is laid within 72 hours after the date of seizure for an offence in respect of any equipment or commodity seized under subsection (1), the equipment or commodity, or, in the case of a perishable commodity that has been disposed of under subsection (2) by way of sale, the proceeds of sale, shall be retained pending disposal under section 86A.”</i></p>
30	<p>(1) The Corporation may in such manner as it thinks fit remove and detain any vehicle in respect of which a contravention of section 29 is committed and may charge the owner or driver thereof all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred by contravention of that section.</p> <p>(2) If a vehicle detained under subsection (1) is not</p>	To consider refining the wording of Section 30(6) to include contents of a vehicle and any load carried by it.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL

By-law	Existing provision	Remarks
	<p>claimed and removed and all costs and expenses are not paid within 3 days after its detention, the Corporation shall where practicable except in the case of emergency serve on the registered owner of the vehicle (as defined in the Road Traffic Ordinance (Cap 374)) a notice informing him—</p> <p>(a) of the detention of the vehicle and the place of detention; and</p> <p>(b) that, unless the vehicle is removed from the place of detention on payment of any costs and charges within 14 days after the service of the notice on him, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise.</p> <p>(3) If a vehicle is not removed in accordance with the notice served under subsection (2) or, if the service of such notice is impracticable, within 14 days of the date of its first detention, the vehicle shall become the property of the Corporation free from the rights of any person and may be disposed of by the Corporation by sale or otherwise as it thinks fit.</p>	

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	<p>(4) If, within 6 months after the day on which a vehicle is sold pursuant to subsection (3), any person satisfies the Corporation that at the time the vehicle became the property of the Corporation by virtue of that subsection, he was the owner of the vehicle, the Corporation shall pay to such person the balance of the proceeds of sale after deducting any costs and charges of removal and detention and any reasonable charges incurred by the Corporation in respect of the sale of the vehicle.</p> <p>(5) A notice under subsection (2) may be served personally or by post.</p> <p>(6) For the purpose of this section “vehicle” (車輛) includes the equipment carried by or on a vehicle.</p>	
31	Vehicle drivers while in or upon any part of the railway premises shall obey all traffic signs and signals and the reasonable instructions and directions of officials.	To consider refining the wording to include operator of vehicle.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
32	No person shall drive or operate any vehicle through, into or upon any part of the railway premises in excess of the speed indicated by a notice, indicator, sign or signal or by an official or in a manner likely to involve danger to others.	To consider refining the wording to include operator of vehicle.
36(1)(b)	<p>(1) All articles or objects found and which come into the possession of the Corporation shall be dealt with as follows—</p> <p>(b) all other articles or objects shall be retained by the Corporation for a period of 1 month after they have come into its possession and, if at the end of that period they remain unclaimed, they shall be deemed to become the absolute property of the Corporation free from any other rights and encumbrances, and the Corporation may dispose of them by sale or otherwise and at such price (if any) as the Corporation in its absolute discretion thinks fit.</p>	To consider refining the wording to extend retention period of lost property from 1 month to 3 months.

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL

By-law	Existing provision	Remarks
39	<p>Removal of persons from railway</p> <p>(1) Any person who is reasonably suspected by an official of committing or attempting to commit any breach of this Bylaw, while in or upon any part of the railway premises shall, when required to do so by such official—</p> <p>(a) give to that official true and correct particulars of his name and address and of his telephone number, if any, and produce proof to that effect for inspection; and</p> <p>(b) produce to that official proof of his identity for inspection.</p> <p>(2) An official acting in execution of the powers conferred under subsection (1) shall produce the authorization issued by the Corporation prior to executing those powers.</p> <p>(3) No person shall wilfully provide false information when required to provide information under subsection (1).</p> <p>(4) An official shall have the power to remove (if necessary by the use of reasonable force) from the railway premises any person whom he reasonably suspects of having committed or attempting to</p>	<p>To consider revising the heading to specify removal of persons from bus and vehicles of the railway and railway premises.</p>

2. Refinement of the wording for clarity or clearer definition of authority of MTRCL		
By-law	Existing provision	Remarks
	commit any breach of this Bylaw, without prejudice to any penalty or surcharge which may be imposed in accordance with this Bylaw and in the case where such breach is an offence as herein provided he shall have power to detain such person until he can be delivered into the custody of a police officer to be dealt with according to law.	
3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
1(2)	“invalid ticket” (失效車票) means a ticket— (a) for which the period of validity has expired; or (b) which is invalid for travel on any bus or on the railway in which the ticket holder is travelling; or (c) which the passenger is not entitled to use pursuant to the conditions of use contained or referred to in any other publications, notices, lists or tables relating to such ticket or travel; and (d) in case of a smart card includes a smart card which has not had the appropriate authorization code recorded on it by an automatic processing device immediately before the ticket holder travels	On the interpretation of “invalid ticket”, MTRCL proposes to add an additional provision (e) about improperly damaging, altering or interfering with coded data to align with Section 18(2) in the MTR By-laws. Section 18(2) in the MTR By-laws is as follows – <i>“Damaging etc. a ticket (2) No person shall use or attempt to use a ticket which has been improperly altered, damaged or interfered with for the purpose of entering or leaving the paid area or travelling upon the railway.”</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	or attempts to travel on any bus or boards or attempts to board any vehicle of the North-west Railway or travels or attempts to travel on any such vehicle;	
	“official” (人員) means any person duly authorized to act on behalf of the Corporation and includes any employee, servant or lawfully appointed agent of the Corporation;	To consider adopting the interpretation of “official” in the MTR By-laws, i.e. any person duly authorised to act on behalf of the Corporation.
	“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;	As mentioned above, to keep up with technological advancements, MTRCL will consider adding the interpretation of “smart card” to the MTR By-laws. After such addition, the same interpretation of “smart card” will be adopted in the MTR (NWR) Bylaw.
	“ticket” (車票) means any form of ticket, smart card, pass or permit issued from time to time by or on behalf of the Corporation, for travel on any bus or on the railway;	To consider adopting the interpretation of “ticket” in the MTR By-laws, i.e. any form of ticket, card, pass or permit from time to time issued by the Corporation, or by persons duly authorized by the Corporation, for travel on the railway, or regarded under by-law 10(1A) in the MTR By-laws as a ticket issued by or on behalf of the Corporation.

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	“ticket office” (票務處) means any office operated by or on behalf of the Corporation which is duly authorized to issue tickets;	To consider adopting the interpretation of “ticket office” in the MTR By-laws, i.e. an office operated by or on behalf of the Corporation which is duly authorised to issue a ticket.
	Not available.	To consider adding the interpretation of “concessionary ticket” about tickets issued at special fares or subject to special conditions to align with the MTR By-laws.
	Not available.	As MTRCL proposes to replace the existing notice to passengers of Light Rail and MTR bus services by a new “conditions of issue”, the interpretation of “conditions of issue” would need to be added in the MTR (NWR) Bylaw.
2	(1) All tickets whether specifically referred to in this Bylaw or not are issued subject to— (a) this Bylaw; and (b) any special conditions stated or referred to on such tickets or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation.	To consider making reference to the wording of Section 10(2) in the MTR By-laws. Section 10(2) in the MTR By-laws is as follows – “Tickets (2) <i>Any person to whom or on whose behalf a ticket is issued or who otherwise acquires a ticket shall be deemed to have knowledge of</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	(2) A passenger shall be deemed to have knowledge of and to have agreed to this Bylaw and any special conditions in relation to any ticket used by him or any special conditions otherwise contained or referred to in any notices, lists, tables or other publications issued by or on behalf of the Corporation and the liability of the Corporation (if any) shall be limited but not extended thereby.	<i>and to have agreed to these by-laws and to the conditions of issue.”</i>
4(2) & (3)	(2) The Corporation may in its absolute discretion do all or any of the following without being liable to any person for any loss or damage caused thereby— (a) suspend or discontinue the issue of tickets howsoever issued; (b) despatch any bus or vehicle of the North-west Railway from a stop before the arrival of any other bus or vehicle of the North-west Railway without affording passengers an opportunity of alighting and boarding the bus or vehicle of the North-west Railway; (c) suspend, discontinue or otherwise withdraw all or any bus or railway service from any stop at any	To consider making reference to the wording of Section 12 in the MTR By-laws. Section 12 in the MTR By-laws is as follows – <i>“Tickets contain no warranty or acceptance of liability</i> <i>(1) The Corporation does not warrant that a passenger will be conveyed on any particular train or that any train shall depart or arrive at a particular time or times or that the issue of a ticket will be completed before the departure of any train and the Corporation will not be liable to any person for any loss or damage arising from any delay or</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>time and for any period of time or suspend, discontinue or withdraw the running of any bus or vehicle of the North-west Railway at any time and for any period of time and alter the times of departure and arrival of any bus or vehicle of the North-west Railway and the routes thereof.</p> <p>(3) The Corporation may in its absolute discretion consider applications for a refund where a ticket is unused as a consequence of the circumstances described in subsection (2).</p>	<p><i>detention caused by the alteration, suspension or withdrawal of the Corporation's train services (or a part thereof) for any reason whatsoever.</i></p> <p>(2) <i>The Corporation may at its discretion and without being liable to any person for any loss or damage caused thereby—</i></p> <p>(a) <i>suspend or discontinue the issue of tickets whether issued from a ticket office or by an automatic vending machine;</i></p> <p>(b) <i>despatch any train from a station before the arrival of any other train without affording the passengers in the arriving train an opportunity to alight and board the departing train; and</i></p> <p>(c) <i>suspend, discontinue or otherwise withdraw all or any train services from any station on any day or suspend, discontinue or withdraw the running of any train or alter the times of departure or arrival of any train.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
6	<p>(1) All tickets shall remain the property of the Corporation and must be produced at any time on any bus or on the railway on demand being made therefor by any official.</p> <p>(2) Any person who refuses or fails to pay the appropriate fare or refuses or fails to produce his ticket shall be liable to pay a surcharge.</p> <p>(3) A person holding or using a free or concessionary ticket while on the railway or on any bus or vehicle of the North-west Railway shall produce on demand by an official sufficient evidence to prove his entitlement to hold and use the ticket.</p> <p>(4) Any person who uses a free or concessionary ticket but fails to produce sufficient evidence to prove his entitlement to such use shall be liable to pay a surcharge as if no ticket were held.</p> <p>(5) Any person who without the authority of an official, which authority shall not be unreasonably withheld, holds a free or concessionary ticket and fails to produce sufficient evidence to prove his entitlement to hold such ticket shall be required upon demand by an official to surrender such ticket</p>	<p>To consider adding a new Section 6(6) about prohibiting the sale of tickets unless authorized by the Corporation with wording adopted from Section 17(4) in the MTR By-laws. Section 17(4) in the MTR By-laws is as follows –</p> <p><i>“Handing in of tickets</i></p> <p><i>(4) No person other than a person specifically authorized by or on behalf of the Corporation to do so shall sell, attempt to sell, offer for sale or invite other persons to purchase any ticket issued by or on behalf of the Corporation.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	to the official.	
7	<p>(1) No person shall improperly do anything to or with a ticket whereby—</p> <p>(a) the coded or printed data thereon is erased wholly or in part or is otherwise altered or interfered with; or</p> <p>(b) the ticket is otherwise damaged.</p> <p>(2) No person shall use or attempt to use for travel on any bus or the railway a ticket which has been improperly altered damaged or which has been otherwise interfered with and, in the case of using a smart card as a ticket which is unable to communicate with an automatic processing device for tickets.</p>	<p>To consider adding a new Section 7A about compliance with the conditions of issue which adopts the wording of Section 13(1) in the MTR By-laws. Section 13(1) in the MTR By-laws is as follows –</p> <p style="text-align: center;"><i>“Compliance with conditions of issue</i> <i>(1) No person shall enter, leave or travel upon or attempt to enter, leave or travel upon the railway otherwise than in accordance with the conditions of issue.”</i></p> <p>To consider adopting the wording of Section 18(2) in the MTR By-laws. Section 18(2) in the MTR By-laws is as follows –</p> <p style="text-align: center;"><i>“Damaging etc. a ticket</i> <i>(2) No person shall use or attempt to use a ticket which has been improperly altered, damaged or interfered with for the purpose of entering or leaving the paid area or travelling upon the railway.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency

By-law	Existing provision	Remarks
9	<p>(1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway—</p> <p>(a) without a ticket;</p> <p>(b) with a ticket which has been altered without the authority of the Corporation or any of its officials or which has been damaged;</p> <p>(c) with an invalid ticket; or</p> <p>(d) with a personalized ticket which has been issued to another person, he shall be regarded as not having paid his fare and shall be liable to pay a surcharge to the Corporation.</p> <p>(2) For the purposes of subsection (1)—</p> <p>(a) a ticket shall expire and becomes invalid in the event that a passenger fails to complete the journey to which the ticket relates within 2 hours of being issued with a ticket;</p> <p>(b) the period of validity and special conditions governing a season ticket or a stored value ticket shall be those printed upon the ticket or, if no period of validity or special conditions are printed upon the ticket such period of validity and special</p>	<p>To consider adopting Section 15(3) in the MTR By-laws about passengers making applications to MTRCL for a review of surcharge cases as a new Section 9(3) in the MTR (NWR) Bylaw. Section 15(3) in the MTR By-laws is as follows –</p> <p><i>“Travel where ticket is lost, damaged or expired</i></p> <p><i>(3) Any person who has paid a surcharge or delivered up his ticket pursuant to the provisions of this by-law shall be entitled to apply in writing to the Chief Executive Officer (or his appointed nominee) for a review of the circumstances in which he became liable to a surcharge or to deliver up his ticket and the Chief Executive Officer (or his appointed nominee) upon the conclusion of such review may at his absolute discretion reject such application or may authorize repayment of the whole or any part of the surcharge or the remaining value on the delivered up ticket.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>conditions as are set out in the publications, notices, lists or tables issued by or on behalf of the Corporation from time to time;</p> <p>(c) a person who is on any bus or vehicle of the North-west Railway and who subsequently leaves or attempts to leave the bus or vehicle of the North-west Railway or the railway premises shall, in the absence of proof to the contrary, be presumed to have travelled upon the railway;</p> <p>(d) all tickets issued by or on behalf of the Corporation shall be delivered up at the request of an official if they have become invalid whether or not any stored value remains in such ticket.</p>	
10(4)	(4) A person using an automatic vending machine shall insert not less than the appropriate fare in legal tender including a valid stored value ticket for the purchase of a ticket.	<p>To consider adopting the wording of Section 16(2A) in the MTR By-laws about prohibiting passengers from inserting money or item other than Hong Kong legal tender into ticket machine, add-value machine or self service point. Section 16(2A) in the MTR By-laws is as follows –</p> <p style="text-align: center;"><i>“Passengers should examine tickets and change (2A) No person shall insert or attempt to insert into any automatic vending machine or coin</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<i>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.”</i>
10(5)	(5) No person shall be entitled to any refund of any amount inserted into an automatic vending machine or a farebox which is— (a) in excess of the appropriate fare; or (b) in excess of the balance required to make up the appropriate fare where the value remaining in a stored value ticket is inadequate.	To consider adopting the wording of Section 16(2) (as mentioned above) in the MTR By-laws and specifying that passengers are entitled to refund in excess of the appropriate fare, and the actual circumstances of the refund are subject to the availability of change in the ticket machine and a refund verification process.
16	No person except an official shall— (a) actuate any emergency or safety device on any bus or vehicle of the North-west Railway or upon the railway except for the express purpose for which the same is provided and in accordance with the instructions printed thereon or on a notice displayed near thereto; (b) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway whilst it is in motion or (except in case of accident or other	To consider adding conditions and equipment covered in Sections 8 and 28A in the MTR By-laws to align the two sets of bylaws. Sections 8 and 28A in the MTR By-laws are as follows – <i>“8.Improper use of emergency equipment</i> <i>No person, unless otherwise authorized by the Corporation, shall activate any emergency or safety device on the railway premises save for the express purpose for which the same is provided</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>emergency) between stops or otherwise than at the side of the bus or vehicle of the North-west Railway adjacent to the stop or the platform appointed for passengers to enter or leave the bus or vehicle of the North-west Railway;</p> <p>(c) enter or leave (or attempt to enter or leave) any bus or vehicle of the North-west Railway after the doors have commenced to close;</p> <p>(d) where notices are exhibited on a bus or a vehicle of the Northwest Railway indicating that a door shall be used for entrance thereto and another door for exit therefrom (except in case of accident or other emergency) enter or attempt to enter by the door indicated for exit or leave or attempt to leave by the door indicated for entry;</p> <p>(e) operate, move, work or tamper with any mechanical or electrical appliance or any plant or equipment whatsoever which belongs to the Corporation or is constructed for the purposes of or in connection with the railway.</p>	<p><i>and in accordance with the instructions printed thereon.</i></p> <p>28A. Improper operation of equipment, etc.</p> <p><i>(1) No person, unless authorized by the Corporation, shall—</i></p> <p><i>(a) operate, move, or interfere with—</i></p> <p><i>(i) any mechanical, electrical, electronic, telecommunications or other appliance owned by or under the control of the Corporation upon the railway premises; or</i></p> <p><i>(ii) 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, the proper use of any automatic gate and telephones;</i></p> <p><i>(b) 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;</i></p> <p><i>(c) ascend or descend, or attempt to ascend or</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p><i>descend, by means of any escalator other than in such manner and order as is directed by the Corporation;</i></p> <p><i>(d) travel, or attempt to travel, upon any escalator or moving platform in a direction other than the direction in which it is moving;</i></p> <p><i>(e) sit upon any escalator or moving platform or any handrail or any part thereof;</i></p> <p><i>(f) 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</i></p> <p><i>(g) hold or possess keys, passes or entry cards to any door or gate inside the railway premises and shall immediately surrender the same to the Corporation as soon as the same come to their possession.</i></p> <p><i>(2) In cases of accident or other emergency, a person may operate, move, or work any switch, lever or other device or mechanical, electrical, electronic, telecommunications or other appliance upon or near which is displayed a notice that it is intended to be operated in cases of accident or</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<i>emergency.”</i>
22	<p>Nuisance</p> <p>(1) No person shall at any time while upon the railway premises—</p> <p>(a) use any threatening, abusive, obscene or offensive language or behave in a riotous, disorderly, indecent or offensive manner;</p> <p>(b) paint, write, draw or affix any word, representation or character upon or wilfully soil or defile the railway premises or break, cut, scratch, tear, deface or otherwise damage any part of the railway premises including any bus or vehicle of the North-west Railway or any of the fittings, furniture, decorations, or equipment thereof or any publication, notice, list, time-table, advertisement, number plate, number, figure or letter therein or thereupon or remove therefrom or detach any such article or object;</p> <p>(c) damage any property upon the railway premises;</p> <p>(d) molest or wilfully interfere with the comfort or convenience of any person; or</p>	<p>As MTRCL proposes to amend the heading of Section 28H in the MTR By-laws to “Offensive language or behavior”, MTRCL proposes the same amendment for Section 22 in the MTR (NWR) Bylaw for consistency. MTRCL will also consider adopting the wording of Section 25 in the MTR By-laws as a new provision under Section 22 in the MTR (NWR) Bylaw. Section 25 in the MTR By-laws is as follows –</p> <p style="text-align: center;"><i>“Passengers not to cause a nuisance</i> <i>No person shall conduct himself on any train or in any part of the railway premises so as to cause a nuisance or annoyance to other passengers.”</i></p> <p>For Section 22(1), to consider making reference to the wording of the amended Section 28H(1)(a) in the MTR By-laws to make it clear that only abusive language likely to cause annoyance or offence to any person would be prohibited, while the prohibition against other inappropriate behaviors will be retained. Please refer to the proposed amendments to Section 28(H)1 in the</p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
	<p>(e) obstruct, impede or distract an official from performing his duties.</p> <p>(2) Notwithstanding the provisions of section 40, any person who contravenes subsection (1) shall be liable to the Corporation for the amount of the damage done to any property of the Corporation or of any other person.</p>	<p>MTR By-laws as stated in Annex 3.</p> <p>For Section 22(2), to consider adopting the wording of Section 28H(2) in the MTR By-laws. Section 28H(2) in the MTR By-laws is as follows –</p> <p><i>“(2) A person offending this by-law is liable to the Corporation for the amount of the damage done to any property or personal injury caused to the officers of the Corporation or damage or injury suffered by any other person without prejudice to any penalty incurred by the contravention of this bylaw.”</i></p>
23	<p>Passengers in unfit or improper condition</p> <p>No person in a state of intoxication or who is in an unfit or improper condition shall enter or remain upon any part of the railway premises.</p>	<p>To consider adopting the wording of Section 28F in the MTR By-laws for consistency. MTRCL also considers adding a qualification to its authority that intoxicated passengers will only be asked to leave or not enter railway bus, vehicle or premises because of safety reasons or operational needs and that staff would enforce the by-law when they have reasonable cause to believe a passenger is in a state of intoxication. Section 28 in the MTR By-laws is as follows –</p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p><i>“Intoxication</i> <i>No person in a state of intoxication resulting from consuming or abusing alcohol, medicine or drug or in an unfit condition as determined by an official in his absolute discretion shall enter or remain or attempt to enter or remain upon the railway premises.”</i></p>
		<p>To consider adding a new Section 23A about prohibiting soiling other people’s clothing to align with Section 28G and its proposed amendment in the MTR By-laws. Section 28G in the MTR By-laws is as follows –</p> <p><i>“Improper dressing</i> <i>No person whose dress or clothing is in a condition liable to soil or injure the dress or clothing or personal effects of any other person in or upon a railway premises shall enter or attempt to enter a train or a railway premises unless an official in his absolute discretion grants permission to such a person.”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
24	<p>Singing, dancing and musical instruments prohibited</p> <p>No person unless authorized in writing by the Corporation or any of its officials while upon any bus or vehicle of the North-west Railway or any part of the railway premises shall sing, dance or perform on any musical or other instrument or use a radio, cassette recorder, compact disc player or similar device, television or any other such electrical or mechanical device which is likely to cause annoyance, inconvenience or disturbance to any other person.</p>	<p>To consider adopting the heading “Unauthorized performances prohibited” to align with Section 26 in the MTR By-laws. Section 26 in the MTR By-laws is as follows –</p> <p style="text-align: center;"><i>“Musical instruments etc. prohibited</i> <i>No person, unless authorized by the Corporation, shall sing or dance, play or perform with any musical instrument in any part of the railway premises.”</i></p> <p>To consider adding a new Section 24A about prohibiting the use of devices which generate sound that is likely to cause annoyance, inconvenience or disturbance to align with Section 26A in the MTR By-laws. MTRCL will consider making exemptions for ringtones from incoming calls on mobile phones and also examine whether “audio-playing device” is appropriate and sufficient to cover possible devices as technology advances. Section 26A in the MTR By-laws is as follows –</p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
		<p><i>“Playing radios, cassettes, etc.</i> <i>No person, unless authorized in writing by the Corporation, shall play or use or attempt to play or use any radio, cassette, compact disc player, record player, portable wireless television, or any other similar device upon any part of the railway premises which shall generate noise.”</i></p>
25(a)	<p>No person shall— (a) bring onto any bus or vehicle of the North-west Railway or any part of the railway premises any luggage, article, object or any other thing which by reason of its nature, in the opinion of an official, cannot be carried or otherwise accommodated on any bus or vehicle of the North-west Railway or any part of the railway premises without the likelihood of causing damage to the property of the Corporation or without the likelihood of causing a nuisance or inconvenience to other persons using any bus or the railway;</p>	<p>To consider adopting the wording of Section 27(a) in the MTR By-laws. Section 27(a) in the MTR By-laws is as follows –</p> <p><i>“Prohibition on taking certain luggage, etc. and consumption of food or beverage</i> <i>No person shall—</i> (a) <i>bring into or upon the railway premises any luggage, article or other thing which cannot be carried or otherwise accommodated on the railway without risk of injury to any person or damage to any railway property or without causing a nuisance or inconvenience to other persons using the railway”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
33	No person shall drive or operate any vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians. °	To consider adopting the wording of Section 37 in the MTR By-laws, as follow – <i>“Vehicles prohibited on certain parts of railway premises No person shall drive any motor car or other vehicle upon or along any part of the railway premises set apart for the exclusive use of pedestrians.”</i>
34	No person not being an official duly authorized in that behalf shall bring onto any bus or any vehicle of the North-west Railway or any part of the railway premises any substance or other thing which is subject to the provisions of the Dangerous Goods Ordinance (Cap 295).	To consider adding a new Section 34A about the carriage of firearms or ammunition to align with Section 38 in the MTR By-laws. Section 38 in the MTR By-laws is as follows – <i>“Firearms No person not being a member of the Armed Forces, a police officer, a member of the Customs and Excise Department or an officer of the Independent Commission Against Corruption shall carry or have with him on any railway premises any arms or ammunition.”</i>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
36(1)	<p>(1) All articles or objects found and which come into the possession of the Corporation shall be dealt with as follows—</p> <p>(a) perishable, noxious or otherwise offensive goods or articles may be disposed of by the Corporation by sale or otherwise as in its absolute discretion it sees fit as soon as practicable after the same comes into its possession;</p> <p>(b) all other articles or objects shall be retained by the Corporation for a period of 1 month after they have come into its possession and, if at the end of that period they remain unclaimed, they shall be deemed to become the absolute property of the Corporation free from any other rights and encumbrances, and the Corporation may dispose of them by sale or otherwise and at such price (if any) as the Corporation in its absolute discretion thinks fit.</p>	<p>To consider adding a new Section 36(1)(aa) about the disposal of documents of an important or confidential nature which would adopt the wording of Section 41(1)(b) in the MTR By-laws. Section 41(1)(b) in the MTR By-laws is as follows –</p> <p><i>“Disposal of lost property</i> <i>(1) All lost property which comes into the possession of the Corporation shall be dealt with as follows—</i> <i>(b) identification and travel documents, certificates or any other document which the Corporation shall regard to be of an important or confidential nature may be disposed of by the Corporation within such time they have come into its possession and in such manner as it sees fit”</i></p>

3. Alignment between the two sets of bylaws to enhance consistency		
By-law	Existing provision	Remarks
36(3)	(3) The Corporation shall not be liable to any person for any loss or damage whatsoever and howsoever arising from the loss of any article or object or the retention, sale or other disposal thereof or the restoration under subsection (2) of any article or object to a person other than the former lawful owner thereof.	To consider adopting the wording of Section 41(3) in the MTR By-laws (as stated above).
4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
1(2)	“personalized ticket” (個人車票) means a ticket which has been issued to the person or individual identified on the ticket;	To consider repealing the interpretation of “personalized tickets” as it will no longer be necessary if Section 9(1)(d) is repealed (please refer to the proposed amendment to Section 9(1)(d) below).
8(6)	(6) The Corporation shall be entitled at its own discretion to deduct the surcharge wholly or in part from any smart card held by any passenger liable in respect thereof.	To consider repealing this bylaw as it has not been the practice of MTRCL to deduct surcharge from passengers’ smart cards, and such action at MTRCL’s discretion is not practical.

4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
9(1)(d)	(1) If a person (other than a person who is under the age of 3 years) travels or attempts to travel on any bus or vehicle of the North-west Railway— (d) with a personalized ticket which has been issued to another person, he shall be regarded as not having paid his fare and shall be liable to pay a surcharge to the Corporation.	To consider repealing this bylaw as it is not necessary.
12(1)&(2)	(1) Except when otherwise specified in notices, lists, tables or other publications issued by or on behalf of the Corporation, up to two children under 3 years of age may accompany each adult passenger on any bus or on the railway free of charge provided that such child or children do not occupy a seat or seats that are required for other passengers. (2) Each adult passenger accompanied by more than two children under 3 years of age shall pay the child fare as provided for in section 3 for any children exceeding two in number.	To repeal these bylaws as they are not necessary.

4. Repeal to eliminate obsolescence or duplication		
By-law	Existing provision	Remarks
28	No person other than passengers or other persons having the authority of the Corporation and on lawful business in or in connection with the railway shall loiter in or about any part of the railway premises.	To repeal this bylaw as it is obsolete.