

Chapter:	107	TRAMWAY ORDINANCE	Gazette Number	Version Date
----------	-----	-------------------	----------------	--------------

		Long title		30/06/1997
--	--	------------	--	------------

To authorize the construction of a tramway.

(Amended 50 of 1911; 1 of 1912 Schedule)

[23 May 1902]

(Originally 10 of 1902 (Cap 107 1950))

Section:	1	Short title		30/06/1997
----------	---	-------------	--	------------

This Ordinance may be cited as the Tramway Ordinance.

(Amended 5 of 1924 s.6)

Section:	2	Interpretation	62 of 1999	01/07/1997
----------	---	----------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

In this Ordinance, unless the context otherwise requires- (Amended 51 of 1911; 2 of 1912 Schedule)

"car" (電車廂) includes all cars and trucks used upon the tramway; (Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule)

"company" (公司) means Hong Kong Tramways Limited; (Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule)

"court" (法院) means the Court of First Instance; (Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 92 of 1975 s. 59; 62 of 1999 s. 3)

"department" (部門) includes The Ministry of Defence (The Navy Department), The Ministry of Defence (The Army Department), and the Hong Kong Government; (Amended 50 of 1911; 51 of 1911 s. 4; 1 of 1912 Schedule; 2 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule)

"Director" (署長) means the Director of Highways; (Added 20 of 1948 s. 4. Amended L.N. 76 of 1982; L.N. 127 of 1986)

"road" (道路) means any roadway over which the tramway passes, and the roadway of any bridge forming part of or leading to the same; (Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule)

"special case" (特別案件呈述) means a special case stated for the opinion of the court under the provisions of any enactment relating to civil procedure; (Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 20 of 1948 s. 4)

"works" (工程、工程設施) or "undertaking" (業務) means the works or undertaking of whatever nature herein authorized to be executed. (Amended 50 of 1911 s. 4; 51 of 1911; 2 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule)

(Amended 50 of 1911; 1 of 1912 Schedule; 9 of 1950 Schedule; 62 of 1999 s. 3)

Section:	3	Construction and route of tramway	62 of 1999	01/07/1997
----------	---	-----------------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

CONSTRUCTION OF TRAMWAY

(1) The company may construct, lay down and maintain the tramway authorized by this Ordinance, with all proper electric generating stations, crossings, passing places, sidings, junctions, rails, turntables, plates, offices, weigh-

bridges, sheds, overhead and other wires, cables, standards, poles and brackets, pipes and all such other works and conveniences in connection therewith as the company may for the purposes thereof think fit, and may work and use the same.

(2) The tramway authorized by this Ordinance is the tramway delineated on a plan or set of plans deposited with the Director and signed by him and on behalf of the company and dated 1 March 1950, together with such additions, extensions and amendments as may be approved by the Chief Executive in Council or otherwise pursuant to this section or section 4 or 15 or such other plan or set of plans as may be approved by the Chief Executive in Council and deposited with the Director similarly signed. (Amended 48 of 1962 s. 2(a))

(3) The company may construct, lay down and maintain the said tramway in such other positions along the lines of route shown on the said plan or set of plans as the Chief Executive in Council may approve.

(4) The company may construct, lay down and maintain as additions to or as extensions of such tramway all such lines, crossings, passing places, sidings, junctions, turntables and other works as the Chief Executive in Council may approve, subject however to the following conditions-

- (a) plans thereof shall previously be deposited in the office of the Director;
- (b) the company shall give timely and adequate notification by public advertisement or otherwise of their intention to apply for such approval;
- (c) such approval shall require confirmation by a resolution of the Legislative Council.

(Replaced 9 of 1950 Schedule. Amended 48 of 1962 s. 2(b); 62 of 1999 s. 3)

Section:	4	Power to lay single line where double line authorized, and to reconvert into double line	62 of 1999	01/07/1997
----------	---	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

Where a double line of tramway is hereby authorized to be laid down and has been constructed, it shall be lawful for the company, with the consent of the Chief Executive in Council, to lay down in lieu thereof a single line of tramway and, with the like consent, at any time thereafter to convert such single line into the double line hereby authorized to be laid down.

(Amended 62 of 1999 s. 3)

Section:	5	Power to widen bridges, etc.	62 of 1999	01/07/1997
----------	---	------------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

Subject to the approval of the Chief Executive in Council, the company may, in the construction of the tramway at its own expense alter the level of and widen any bridge, road, street or space along or over which the tramway is hereby authorized to be laid down, and make and construct all necessary cuttings and embankments, bridges, viaducts, culverts, catch-water drains and other works, and divert streams:

Provided that the earth excavated and thrown to waste is disposed of to the satisfaction of the Director, and in such manner as to prevent its being washed by rain into the harbour.

(Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 20 of 1948 s. 4; 62 of 1999 s. 3)

Section:	6	Attachment	L.N. 38 of 2011	01/06/2011
----------	---	------------	-----------------	------------

(1) The company may with the consent of the owner of any house or building attach thereto such brackets, rosettes, wires and apparatus as may be required for the efficient working of the tramway.

(2) Where the company is unable to obtain such consent and is of the opinion that such consent is being unreasonably withheld, the company may apply to the Director, on notice to the owner, for a certificate that the attachment is essential to the efficient working of the tramway and the Director, if he is satisfied that the attachment is so essential, shall issue to the company a certificate under his hand to that effect.

(3) The company may serve on the owner a copy of such certificate and a copy of this section and, on the expiry of one month from the date of such service, if there shall be no appeal in accordance with the provisions of subsection (4), the company may enter upon the premises at any reasonable time, during the hours of daylight and

make such attachment, subject nevertheless to the payment to the owner of such compensation as may be agreed between the company and the owner, or, in default of agreement, such compensation as may be determined by arbitration in accordance with the provisions of the Arbitration Ordinance (Cap 609). (Amended 17 of 2010 s. 112)

(4) If an owner is aggrieved by the issue of a certificate in accordance with the provisions of subsection (2), he may, at any time during such period of one month as is referred to in subsection (3) on notice to the company, appeal by petition to the Chief Executive in Council and on such appeal, the Chief Executive in Council, after hearing the Director, may confirm or revoke such certificate. (Amended 62 of 1999 s. 3)

(5) No consent of an owner, decision of the Director or compensation payable in accordance with the provisions of subsection (3) shall have effect after that owner ceases to be the owner of the house or building in question but no attachments fixed under the provisions of this section shall be removed other than by or with the consent of the company until the expiration of 3 months after any subsequent owner has given to the company notice in writing requiring the attachments to be removed and where such notice is given the provisions of subsections (3) and (4) shall apply as if such owner has unreasonably withheld his consent in the first instance.

(6) An owner may require the company to remove temporarily the attachments where necessary during any reconstruction or repair to his house or building.

(7) For the purpose of this section, "owner" (擁有人) means the person whose name is registered in the Land Registry as the owner or holder of the land on which the house or building in question is built and any registered mortgagee of such land. (Amended 8 of 1993 s. 2)

(Added 48 of 1962 s. 3)

Section:	7	Electricity		30/06/1997
----------	---	-------------	--	------------

The company may generate and use electricity for the purposes of lighting its own buildings, erections and premises and for any other purposes of its own.

(Replaced 9 of 1950 Schedule)

Section:	8	Power to lay down sea water pipes		30/06/1997
----------	---	-----------------------------------	--	------------

Subject to the approval of the Director as to the method and position of laying down, the company may lay down under any public roadway, street or space pipes from any of its generating stations to the sea. The company may also lay down any such pipes over or under any private land with the consent of the owner thereof. The company may pump sea water through any such pipes for the purposes and works of the tramway, and shall make proper provision, to the satisfaction of the Director, for the return of the surplus sea water into the sea.

(Amended 50 of 1911; 1 of 1912 Schedule)

Section:	9	Gauge of tramway		30/06/1997
----------	---	------------------	--	------------

The tramway shall be constructed on a gauge of not less than 1 m in width, and with steel rails which shall, before being laid down, be approved by the Director any shall be laid and maintained in such manner that the uppermost surface thereof shall be on a level with the surface of the road.

(Amended 33 of 1939 Schedule; L.N. 156 of 1977)

Section:	10	Power to break up roads		30/06/1997
----------	----	-------------------------	--	------------

The company for the purpose of making, forming, laying down, maintaining, renewing, altering, adding to or removing the tramway or any part thereof respectively, may open and break up any road subject to the following regulations- (Amended 50 of 1911 s.4; 1 of 1912 Schedule; 20 of 1948 s.4)

- (a) it shall give to the Director notice of its intention, specifying the time at which it will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:

Provided that the Director, if he is satisfied that it is not practical owing to the urgency of the work for the company to give such notice, may permit the company to give such lesser period of notice as he may consider practicable; (Added 48 of 1962 s.4)

- (b) it shall not open or break up or alter the level of any road except with the authority, under the

superintendence and to the satisfaction of the Director.

Section:	11	Completion of works, and restoration of road		30/06/1997
----------	----	--	--	------------

When the company has opened or broken up any portion of any road, it shall be under the following further obligations, namely-

- (a) it shall, with all convenient speed, complete the work on account of which it opened or broke up the same, and (subject to the formation, maintenance, renewal or alteration of, addition to, or removal of the tramway) fill in the ground and make good the surface and, to the of the Director, restore the road to a good condition;
- (b) it shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.

If the company fails to comply with any of the provisions of this section it shall (without prejudice to the enforcement of specific performance of the requirements of this Ordinance or to any other remedy against it) be liable to a fine of \$1000, and in case of a continuing offence to a further fine of \$250 for every day after the first on which the default continues. (Amended 30 of 1911 s.10; 5 of 1924 s. 13 & Schedule; 33 of 1939 Schedule; 48 of 1962 s.5)

Section:	12	Further provisions as to construction of tramway		30/06/1997
----------	----	--	--	------------

In addition to the requirements of section 10, the company shall, when it gives notice as aforesaid to the Director of its intention to open or break up any road for any of the purposes aforesaid, lay before the Director, if so required by him, a cross section showing the proposed mode of constructing, laying down, maintaining, renewing, altering, adding to or removing the tramway or works in respect of which it proposes to open or break up such road, and a statement of the materials intended to be used therein; and the company shall not commence the construction, laying down, maintenance, renewal, alteration of, addition to or removal of such tramway or works, or any part thereof respectively, except for the purpose of necessary repairs, until the required cross section and statement, if any, have been approved by the Director; and the work shall be executed under the superintendence and to the satisfaction of the Director, and where there are an approved cross section and statement in accordance therewith.

(Amended 5 of 1924 s.8; 48 of 1962 s.6)

Section:	13	Repair of roads on which tramway laid		30/06/1997
----------	----	---------------------------------------	--	------------

The company shall, at its own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the Director may direct and to his satisfaction, so much of any road whereon any tramway belonging to the company is laid as lies between the rails of the tramway and (where a double line of tramway is laid by the company in any road, the lines being not more than 1.5 m apart) the portion of the road between the two lines of tramway, and in every case so much of the road as extends 0.5 m from the running edge of the table of each rail of and on each side of any such tramway. Except as aforesaid the company shall not be liable to pay for the cost of the maintenance or repair of any road whereon the tramway is laid.

(Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule; 48 of 1962 s. 7; L.N. 156 of 1977)

Section:	14	Maintenance and level of rails		30/06/1997
----------	----	--------------------------------	--	------------

The company shall maintain in good condition and repair, and at their proper level so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists, and the substructure upon which the same rest.

(Amended 48 of 1962 s.8)

Section:	15	Alteration of track	62 of 1999	01/07/1997
----------	----	---------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

- (1) If the Director is of the opinion that it is necessary or desirable, to enable him to carry out any works in any

road or for the better regulation of traffic in any road, including any road over which no tramway passes, that the company should alter or move its track on any road, he may serve on the company not less than one month's notice in writing of his intention to apply to the Chief Executive in Council for an order under this section.

- (2) A notice served in accordance with the provisions of this section shall specify-
 - (a) the work which the Director considers necessary or desirable; and
 - (b) the time by which such work should be carried out.
- (3) If the company-
 - (a) objects to such application;
 - (b) is of the opinion that the cost of carrying out such work would exceed the amount which, in accordance with the provisions of section 17, would be wholly payable by the company; or
 - (c) is of the opinion that it would not be practicable to carry out such work within the time stipulated in the notice,

the company may, within such period of one month, give to the Director notice of such objection or opinion together with, in the case of a submission in accordance with the provisions of paragraph (b), an estimate of the cost of carrying out such work.

(4) The Chief Executive in Council shall consider every application under this section and every objection thereto or other submission thereon made by the company and shall afford the company an opportunity of being heard by an authorized officer of the company or by counsel or solicitor.

(5) The Chief Executive in Council, after considering such application and every objection thereto and submission thereon by the company, may order that the company shall carry out such work as is described in the notice, within such period as is stipulated in such order.

(6) If the company fails to comply with the provisions of any such order within such period as is stipulated therein or such greater period as may be allowed by the Chief Executive in Council the company shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000 and to a continuing penalty of \$250 for every day, after the date of expiry of such period as was stipulated in the order or such greater period as may have been allowed by the Chief Executive in Council, during which the company has not complied with the provisions of such order.

(7) Notwithstanding the provisions of this section, the Director may authorize the company to carry out such alterations to the level or line of any track as the Director may consider to be necessary or desirable and to be minor alterations or realignments, emergency measures or temporary provision.

(Added 48 of 1962 s. 9. Amended 62 of 1999 s. 3)

Section:	16	Payment for works	L.N. 38 of 2011	01/06/2011
----------	----	-------------------	-----------------	------------

(1) When the company has carried out, to the satisfaction of the Director, such work as is the subject of an order made in accordance with the provisions of section 15(5) or a notice given in accordance with the provisions of section 17, the company, subject to the provisions of this section, shall be entitled to be paid, out of the general revenue of Hong Kong, the reasonable cost of carrying out such work. (Amended 62 of 1999 s. 3)

- (2) If-
 - (a) the work includes the renewal or replacement of apparatus of the company so that the company derives a benefit from the life of new apparatus being longer than the life of the apparatus so renewed or replaced; or
 - (b) by reason of the carrying out of such work the company has received or will receive any other benefit by way of greater efficiency of the running of the tramway system, reduction of wear on cars or tram rails or any other part of the apparatus of the company or by any other way,

the amount to be paid to the company shall be reduced by the amount or value of any such benefit.

(3) If by reason of the carrying out of such work the company has been or will be put to any greater expense or loss by way of lesser efficiency of the running of the tramway system or increase of wear on cars or tram rails or any other part of the apparatus of the company, the amount to be paid to the company shall be increased by the amount or value of any such additional expense or loss.

(4) The amount to be paid to the company shall be such amount as may be agreed between the Director and the company as the reasonable cost of the carrying out of such work, after deduction therefrom and addition thereto of such amounts as may be so agreed as representing the amount or value of such benefits and expenses and losses as are referred to respectively in subsections (2) and (3), or in default of agreement such amount as shall be determined by arbitration in accordance with the provisions of the Arbitration Ordinance (Cap 609). (Amended 17 of 2010 s. 112)

(5) The Director may make payments on account whilst any such work is in progress but such payments on account shall not exceed in total four-fifths of the Director's estimate of the value of work done to the date of each such payment.

(Added 48 of 1962 s. 9)

Section:	17	Temporary tramways may be made when necessary	62 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid, it is in the opinion of the Director necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Director shall, before such tramway or any part thereof is temporarily removed or the use thereof discontinued, give to the company one month's notice at least of the necessity or expediency of such temporary removal or discontinuance, and immediately on receipt of any such notice the company may, subject to such conditions and rules as the Chief Executive in Council may make, construct in the same or any adjacent road and, subject as aforesaid, maintain so long as necessary a temporary tramway in lieu of the tramway or part thereof so removed or discontinued, and the provisions of section 13 shall apply until the removal of the temporary tramway.

(Amended 50 of 1911 s. 4; 33 of 1939 Schedule; 48 of 1962 s. 10; 62 of 1999 s. 3)

Section:	18	Application of road materials excavated in construction of works		30/06/1997
----------	----	--	--	------------

Any paving, metalling or material excavated by the company in the construction of its works from any road under the control of the Director may be applied by the company, so far as may be necessary, in or towards the reinstating of such road, provided such paving, metalling or material is in the opinion of the Director fit and proper to be used for such purpose, and all surplus paving, metalling or material not so used shall be the property of the company, and shall be removed by the company with all reasonable diligence.

(Amended 51 of 1911; 2 of 1912 Schedule; 33 of 1939 Schedule)

Section:	19	Protection of departments and persons	62 of 1999	01/07/1997
----------	----	---------------------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

For the purpose of making, forming, laying down, maintaining, renewing, altering, adding to or removing the tramway or any part thereof, the company may, where it is necessary or appears expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, standards, poles or apparatus for telegraphic, telephonic, electric lighting or any other purposes, subject to the following restrictions- (Amended 50 of 1911 s. 4)

- (a) before altering the position of any such mains or pipes, tubes, wires, standards, poles or apparatus the company shall obtain the written assent of the Director to such alteration; (Amended 33 of 1939 Schedule)
- (b) before laying down the tramway in a road in which any mains or pipes, tubes, wires, standards, poles or apparatus may be laid, the company shall, whether it contemplates altering the position thereof or not, give 7 days' notice to the department or person to whom they belong of its intention to lay down or alter the tramway, and shall at the same time deliver a plan of the proposed work. If it appears that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, standard, pole or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic, telephonic, electric lighting or other communication, such department or person may give notice to the company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, standards, poles or apparatus in such manner as may be considered necessary; and any difference as to the necessity therefor shall be settled in manner provided by this Ordinance for the settlement of differences between the company and departments or persons; (Amended 50 of 1911 s. 4; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 21 of 1912 s. 5)

- (c) the company shall not remove or displace any of the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, or other work belonging to any such department or person, or do anything to impede the passage of water or gas, or the telegraphic, telephonic, electric lighting or other communication into or through such mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, without the consent of such department or person, or in any other manner than such department or person may approve, until good and sufficient mains, pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, and other works necessary or proper for continuing the supply of water or gas or telegraphic, telephonic, electric lighting or other communication as efficiently as the same was supplied by the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus proposed to be removed or displaced, have at the expense of the company been first made and laid down in lieu thereof and are ready for use to the reasonable satisfaction of the surveyor or engineer of such department or person, or in case of disagreement between such surveyor or engineer and the company, in such manner as the Director or other fit and proper person specially appointed by the Chief Executive may direct; (Amended 12 of 1910 s. 2; 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)
- (d) all alterations to be made under this section shall be made with as little detriment and inconvenience to such department or person as the circumstances admit and under the superintendence of such department or person or of its or his surveyor or engineer; (Amended 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 33 of 1939 Schedule)
- (e) the company shall not lay down any such mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus contrary to the provisions of any Ordinance relating to water, gas or other companies, or to telegraphs; (Amended 50 of 1911; 1 of 1912 Schedule)
- (f) the company shall make good all damage done by it to property belonging to or controlled by any such department or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes or wires of any person supplied by any such department or person with water or gas or electric light unless such department or person, by or by reason of its or his own default, neglect or omission, has contributed to or assisted in the doing, happening or bringing about of such loss or damage; (Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule)
- (g) if by any such operations as aforesaid the company interrupts the supply of water or gas or electric light in or through any main, pipe or wire for a period exceeding 12 consecutive hours, it shall be liable to a fine of \$100 for every day or portion of a day after the expiration of such period of 12 hours during which such supply is so interrupted. (Amended 30 of 1911 s. 10; 33 of 1939 Schedule)

Section:	20	Protection of sewers, etc.	62 of 1999	01/07/1997
----------	----	----------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

If the tramway or any works connected therewith interfere with any sewer, drain, watercourse or subway, or in any way affect the sewerage or drainage of Hong Kong the company shall not commence the construction of the tramway or works until it has given to the Director 14 days' previous notice in writing of its intention so to do, and has left with such notice all necessary particulars relating thereto, nor until the Director has signified his written approval of the same, unless he does not signify his approval, disapproval or other directions within 14 days after service of the said notice and particulars as aforesaid; and the company shall comply with the directions of the Director in the execution of the said works, and shall provide by new, altered or substituted works, in such manner as the Director may require, for the proper protection of and for preventing injury or impediment to the sewers, drains, watercourses, subways, sewerage or drainage hereinbefore referred to by or by reason of the tramway, and shall save harmless the Director against the expense occasioned thereby; and all such works shall be done by or under the superintendence of the Director at the cost and expense of the company, and when any new, altered or substituted works are completed by or at the cost or expense of the company under this Ordinance, the same shall thereafter be as completely under the control of the Director, and be maintained by him, as any other sewers, drains, watercourses, subways, sewerage or drainage.

(Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	21	Protection of Government or telegraph cables or lines	62 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

If any cable or line used for the purpose of telegraphic, telephonic or electric signalling communication, now or hereafter to be constructed and worked in Hong Kong by a Government department or by Cable and Wireless Limited, or any aerial or subterranean line connected with any such cable, or the sheathings, coverings or supports of any such cable or line, be injuriously affected by the construction or working of the undertaking, or by electrolysis or other cause arising or resulting from the undertaking, the company shall pay the expenses of all such alterations in or additions to such cable, line, sheathings, coverings or supports as may be necessary to remedy such injurious affection. For the purposes of this section a cable or line shall be deemed to be injuriously affected if telegraphic, telephonic or electric communication by means of such cable or line is, whether through induction or otherwise, in any manner affected by any act or work of the company.

(Amended 32 of 1902 s. 1; 50 of 1911; 1 of 1912 Schedule; 17 of 1913 s. 2; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	22	Rights of departments, etc. to open roads		30/06/1997
----------	----	---	--	------------

Nothing in this Ordinance shall take away or abridge any power to open or break up any road along or across which the tramway is laid or any other power now vested in any department or person for the doing of any matter or thing which such department or person is authorized to do, but in the exercise of such power all such departments and persons shall be subject to the following restrictions- (Amended 50 of 1911 s.4; 1 of 1912 Schedule; 21 of 1912 s.5; 33 of 1939 Schedule)

- (a) they shall cause as little detriment or inconvenience to the company as circumstances admit;
- (b) before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which case notice of the commencement of such work shall be given to the company within 24 hours after such commencement) give to the company and the Director notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given 24 hours at least before the commencement of the work; (Amended 33 of 1939 Schedule)
- (c) they shall not be liable to pay to the company any compensation for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid;
- (d) whenever for the purpose of facilitating such work any such department or person so requires, the company shall either stop traffic on that portion of the tramway to which such notice refers, where such traffic would otherwise interfere with such work, or shore up and secure such portion of the tramway at its own risk and cost during the execution of the work there:

Provided that such work shall always be completed with all reasonable expedition; (Replaced 33 of 1939 Schedule)

- (e) such work so far as it immediately affects the tramway shall not be executed except under the superintendence of the company, unless the company does not give such superintendence at the time specified in the notice for the commencement of the work or permanently discontinues the same during the progress of the work, and such work shall be executed without cost to and to the reasonable satisfaction of the company. (Amended 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule)

Section:	23	Differences between company and others (other than the Director)	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

If any difference arises between the company on the one hand and any department or person (other than the Director) to whom any sewer, drain, tube, wires, standards, poles or apparatus for telegraphic, telephonic, electric lighting or other purposes may belong on the other hand, with respect to any interference or control exercised, or

claimed to be exercised, by or on behalf of such department or person, or by the company by virtue of this Ordinance in relation to the tramway or works or in relation to any work or proceeding of such department or person, or with respect to the propriety of or the mode of execution of any work relating to the tramway, or with respect to the amount of any compensation to be made by or to the company, or on the question whether any work is such as ought reasonably to satisfy the department or person concerned, or with respect to any other subject or thing regulated by or comprised in this Ordinance, the matter in difference shall (unless otherwise specially provided for by this Ordinance) be settled by a special case, or if there are any facts in dispute, by an action, and if any department is a party to such difference such special case may be stated by, or such action may be brought by or against, the chief officer in Hong Kong of such department in the title of his office without naming any individual person.

(Amended 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 21 of 1912 s. 5; 17 of 1913 s. 3; 62 of 1999 s. 3)

Section:	24	Differences between company and Director		30/06/1997
----------	----	--	--	------------

If any difference arises between the company on the one hand and the Director on the other hand with respect to any interference or control exercised or claimed to be exercised by the company or the Director by virtue of this Ordinance in relation to the tramway or works, or in relation to any work or proceeding of the Director or with respect to the propriety of or the mode of execution of any work relating to the tramway, or with respect to the cost of the maintenance or repair of any road along or across which the tramway passes, or with respect to the amount of any compensation to be made by or to the company, or on the question whether any work is such as ought to satisfy the Director, or with respect to any other subject or thing regulated by or comprised in this Ordinance, the matter in difference shall (unless otherwise specially provided for by this Ordinance) be settled by a special case, or if there are any facts in dispute, by an action.

(Amended 17 of 1913 s.4)

Section:	25	Tramway not to be opened until certified fit for traffic	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

Neither the tramway nor any portion thereof shall be opened for public traffic until the same has been certified to be fit for such traffic by the Director of Electrical and Mechanical Services or other officer, who must either be a civil or electrical or mechanical engineer, duly appointed in writing for that purpose by the Chief Executive in Council, and the Chief Executive in Council has, by notification in the Gazette, authorized the same to be opened for such traffic.

(Amended 48 of 1962 s. 11; L.N. 76 of 1982; L.N. 298 of 1982; 62 of 1999 s. 3)

Section:	26	Procedure when public not afforded full benefit of tramway	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

INSUFFICIENT USER OF TRAMWAY

If it be represented in writing to the Chief Executive in Council by the Commissioner for Transport or by 20 inhabitant ratepayers that the public are not afforded the full benefit of the tramway, the Chief Executive in Council may (if satisfied that prima facie the case is one for inquiry) appoint an officer to inquire into the matter and to hold an inquiry and report thereon, and if the truth of the representation be proved, the Chief Executive in Council may issue an order to the company requiring it to provide such a service of cars as will afford to the public the full benefit of the tramway, and such order may prescribe the number of cars which the company shall run upon the tramway and the mode and times in and at which such cars shall be run. Every such order shall be served upon the company within 48 hours after it has been made, and shall be published in the Gazette next following the making thereof:

Provided that the Chief Executive in Council shall, before issuing any such order, be satisfied that under good and economical management the prescribed service will be fairly remunerative to the company; and that, after the company has complied with such order for not less than 30 days, the Chief Executive in Council may on the application of the company revoke or modify any such order.

(Amended 50 of 1911; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule; 30 of 1967 Schedule; 62 of 1999 s. 3)

Section:	27	Procedure on non-compliance with order		30/06/1997
----------	----	--	--	------------

If for the period of three months after the service of such order the company fails or neglects to comply therewith, the tramway shall be deemed to be a tramway to which all the provisions of this Ordinance relating to the discontinuance of the tramway after proof of such discontinuance shall apply, and it may be dealt with accordingly.

(Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule)

Section:	28	Discontinuance of tramway	62 of 1999	01/07/1997
----------	----	---------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

DISCONTINUANCE OF TRAMWAY

If the company discontinues the working of the tramway or of any part thereof for the space of 6 months (such discontinuance not being occasioned by circumstances beyond the control of the company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond its control) and such discontinuance is proved to the satisfaction of the Chief Executive in Council, the Chief Executive in Council may by order declare that the powers of the company in respect of the tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the powers of the company shall cease and determine, unless the same are purchased by the Government in manner by this Ordinance provided. Where any such order has been made the Director may, at any time after the expiration of 2 months from the date of such order, under the authority of a certificate to that effect of the Chief Executive in Council, remove the tramway or part of the tramway so discontinued, and the company shall pay to the Director the cost of such removal and of the making good of the road by the Director, such cost to be certified by him, and his certificate shall be final and conclusive, and if the company fails to pay the amount so certified within 2 months after delivery to it of such certificate or a true copy thereof, the Director may (without any previous notice to the company but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private contract and for such sum and to such person as he may think fit, and may out of the proceeds of such sale reimburse himself the amount of the cost certified as aforesaid and of the cost of sale, and the balance, if any, of the proceeds of sale shall be paid to the company.

(Amended 50 of 1911 s. 4; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 21 of 1912 s. 5; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 62 of 1999 s. 3)

Section:	29	Proceedings in case of insolvency of company	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

INSOLVENCY OF COMPANY

If it appears to the Chief Executive in Council that the company is insolvent, so that it is unable to maintain the tramway or work the same with advantage to the public, the Chief Executive in Council may inquire into the financial affairs of the company, and if satisfied that the company is so insolvent as aforesaid, may by order declare that the powers of the company shall, at the expiration of 6 months from the making of the order, be at an end, and the powers of the company shall cease and determine at the expiration of the said period unless the same are purchased by the Government in manner by this Ordinance provided, and thereupon the Director may remove the tramway in like manner and subject to the same provisions as to the payment of the costs of such removal and to the same remedy for recovery of such costs in every respect as in cases of removal under section 28.

(Amended 50 of 1911; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 5 of 1924 s. 8; 62 of 1999 s. 3)

Section:	30	Purchase by Government of tramway	62 of 1999	01/07/1997
----------	----	-----------------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

PURCHASE OF TRAMWAY

The Chief Executive in Council may at the expiration of 50 years from 23 May 1902, or at the expiration of any subsequent period of 5 years, or at the expiration of 3 months after the making of any order under section 28 or 29, of giving to the company a notice in writing in manner following- (Amended 50 of 1911; 1 of 1912 Schedule; 5 of 1924 s. 8; 33 of 1939 Schedule)

- (a) at least 6 months' notice prior to the expiration of such 50 years;
- (b) at least 6 months' notice prior to the expiration of any such subsequent period of 5 years;
- (c) at least 2 months' notice prior to the expiration of such 3 months,

require the company to sell and thereupon the company shall sell to the Government its undertaking, and all lands, buildings, works, materials and plant of the company suitable to and used by the company for the purposes of its undertaking, for and in consideration of the then value of the same:

Provided that the value aforesaid shall be deemed to be the fair value at the time of the purchase, due regard being had to the cost of construction less depreciation, and to the then nature, condition and state of repair of the buildings, works, materials and plant, and to the fact that they are in such a condition and state of repair as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which might have been made from the undertaking, or of any similar considerations. In case of difference such value as aforesaid shall be determined by a special case. When any such sale has been made and completed all the rights, powers and authorities of the company in respect of the premises sold, or where any order has been made by the Chief Executive in Council under section 28 or 29 all the rights, powers and authorities of the company previous to the making of such order in respect of the premises sold, shall be transferred to and vested in and may be exercised by the Government. (Amended 50 of 1911; 1 of 1912 Schedule; 5 of 1924 s. 8; 62 of 1999 s. 3)

Section:	31	Motive power	62 of 1999	01/07/1997
----------	----	--------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

MOTIVE POWER

The cars used on the tramway shall be moved by electric power conveyed by means of a bare overhead wire and the rails of the tramway:

Provided that the exercise of the powers by this section conferred with respect to the use of electric power shall be subject to any rules which the Chief Executive in Council may make for securing to the public all reasonable protection against danger in the exercise of the powers hereby conferred with respect to the use of electric power on the tramway. In the event of the company being unable at any time to move the cars by electric power the cars may temporarily be moved by animal, mechanical or other power.

(Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 33 of 1939 Schedule; 48 of 1962 s. 13; 62 of 1999 s. 3)

Section:	32	Construction of cars		30/06/1997
----------	----	----------------------	--	------------

Every motor car and trailer car used on the tramway shall be so constructed as to provide for the safety of passengers and for their safe entrance to and exit from and accommodation in such car and their protection from the machinery used for drawing or propelling such car.

Section:	33	Powers to authorities to inspect cars, etc.	62 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

The Director of Electrical and Mechanical Services, or any officer, who must either be a civil or electrical or mechanical engineer, appointed for that purpose by the Chief Executive in writing, may inspect any car used on the tramway and the machinery therein and any wires or other machinery of the company and report thereon, and the Chief Executive may (after receiving from the company and considering its report on the matter) by order prohibit the use of any such car, wires or machinery as may be determined to be unsafe or unfit for use.

(Amended 12 of 1910 s. 1; 50 of 1911 s. 4; 48 of 1962 s. 14; L.N. 76 of 1982; L.N. 298 of 1982; 62 of 1999 s. 3)

Section:	34	Penalty for using electric power contrary to Ordinance		30/06/1997
----------	----	--	--	------------

The company or any person using electric power on the tramway contrary to the provisions of this Ordinance, or to any of the rules under section 31, shall be subject to a fine of \$250, and also in the case of a continuing offence to a further fine of \$100 for every day after the first during which such offence continues.

(Amended 30 of 1911 s.10; 50 of 1911 s.4; 5 of 1924 s.9; 33 of 1939 Schedule; 48 of 1962 s.15)

Section:	35	(Repealed 75 of 1982 s. 114)		30/06/1997
----------	----	------------------------------	--	------------

Section:	36	(Repealed 75 of 1982 s. 114)		30/06/1997
----------	----	------------------------------	--	------------

Section:	37	(Repealed 75 of 1982 s. 114)		30/06/1997
----------	----	------------------------------	--	------------

Section:	38	Regulations made by the Chief Executive in Council	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

RULES

- (1) The Chief Executive in Council may by regulation provide for- (Amended 62 of 1999 s. 3)
 - (a) the construction of new cars and other apparatus of the tramway and the maintenance and cleanliness of cars and apparatus of the tramway used in connection with its public service;
 - (b) the safety of passengers and of other persons travelling on cars;
 - (c) the speed at which a car may be driven;
 - (d) the use of warning apparatus on cars;
 - (e) the licensing of drivers and conductors of cars;
 - (f) the use of electric power on the tramway;
 - (g) the provision of stopping places for cars;
 - (h) the issue of a certificate in accordance with the provision of section 6 and any appeal against such issue;
 - (i) the application to cars and to drivers of cars and to the company and to any other person, with such modification as may be necessary, of any regulations made in accordance with the provisions of the Road Traffic Ordinance (Cap 220), other than regulations relating to the construction and maintenance of vehicles;
 - (j) the general control of the use of cars on a road and the carrying of passengers and other persons therein.

(2) Any regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe punishment and penalties for such offence not exceeding a fine of \$1000 and imprisonment for 6 months and a continuing penalty not exceeding \$100 for every day during which the offence continues.

(Replaced 48 of 1962 s. 17)

Section:	39	Rules made by the company	62 of 1999	01/07/1997
----------	----	---------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

(1) The company, with the approval of the Chief Executive in Council, may make rules providing for-
(Amended 62 of 1999 s. 3)

- (a) the prevention of the commission of any nuisance in or upon any car or in or against any premises belonging to the company;
- (b) the control of the conduct of passengers on a car and persons attempting to board or leave a car;
- (c) the issue of tickets, including season tickets, their inspection on a car and the general control thereof;
- (d) the disposal of lost property found on a car or on any premises of the company;
- (e) any other matter, relating to the running of the tramway, which is necessary to be prescribed or provided for.

(2) Any rule made under this section may provide that a contravention thereof shall be an offence and may prescribe punishment and penalties for such offence not exceeding a fine of \$1000 and imprisonment for 6 months.

(Replaced 48 of 1962 s. 18)

Section:	40	Wheels and width of cars		30/06/1997
----------	----	--------------------------	--	------------

WHEELS AND WIDTH OF CARS

The company may use on the tramway cars with flange-wheels or wheels suitable only to run on the rails of the tramway and, subject to this Ordinance, the company shall have the exclusive use of the tramway for cars with flange-wheels or other wheel suitable only to run on the said rails, and no car used on the tramway shall exceed 2 m in width exclusive of any driver's observation mirror.

(Amended 48 of 1962 s.19; L.N. 156 of 1977)

Section:	41	Power to sell	62 of 1999	01/07/1997
----------	----	---------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

POWER TO SELL

Subject to the approval of the Chief Executive in Council, the company may sell or assign the whole of its undertaking to such person, by public auction or private contract or partly by public auction and partly by private contract, and with, under and subject to such terms and conditions in all respects, as the company thinks fit, with power at any such sale to fix a reserve price for or buy in the same; and when any such sale or assignment has been made and completed all the rights, powers, authorities, obligations and liabilities of the company in respect of the undertaking shall be transferred to, vested in and may be exercised by and shall attach to the person to whom the same have been sold or assigned, in like manner as if the undertaking had been constructed by such person under the powers conferred upon him by this Ordinance, and in reference to the same he shall be deemed to be the company and to be subject in all respects to the provisions of this Ordinance and to any order or rules made thereunder:

Provided that the company may at any time sell or assign any land, machinery, property, chattel or effect which is not required for the efficient maintenance and working of its undertaking.

(Amended 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 22 of 1912; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	42	Power to lease	62 of 1999	01/07/1997
----------	----	----------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

POWER TO LEASE

Subject to the approval of the Chief Executive in Council, the company may demise or let the whole of its undertaking to such person, for such term of years or from year to year or for any less period, and for such rent and upon such terms and conditions in all respects, as the company thinks fit, to take effect either in possession or at some future date, and either with or without a premium as a consideration for such demise; and when any such demise or letting has been made the lessee shall be subject in all respects to the provisions of this Ordinance and to any order or rules made thereunder:

Provided that the company may at any time demise or let any land, machinery, property, chattel or effect which is not required for the efficient maintenance and working of its undertaking.

(Amended 50 of 1911 s. 4; 1 of 1912 Schedule; 43 of 1912 Supp. Schedule; G.N. 246 of 1913; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	43	Power to mortgage	62 of 1999	01/07/1997
----------	----	-------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

POWER TO MORTGAGE

Subject to the approval of the Chief Executive in Council, it shall be lawful for the company to borrow money on mortgage of the whole of its undertaking, and for that purpose to assign of demise by way of mortgage all its lands, messuages or tenements, erections, buildings, works, rolling stock, plant, machinery, chattels and effects, to any person, and to enter into all such covenants, provisos, declarations and agreements as the company thinks fit or proper, and any mortgagee in possession shall be subject in all respects to the provisions of this Ordinance and to any order or rules made thereunder.

(Amended 50 of 1911; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	44	Rights of Government in military emergency	62 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

RIGHTS OF GOVERNMENT

The Chief Executive in Council may by order direct that precedence over the company and all other persons in the user of the tramway or any part thereof be taken for defensive or military purposes or for the passage of troops and war material, on giving to the company, when practicable, 3 clear days' notice before each occasion of such user.

(Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	45	Fares, etc., to be paid in such emergency	62 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

The Chief Executive in Council shall direct the payment to the company for such user as aforesaid of such fares and charges as may be agreed on, or if no agreement be come to, then the amount of the fares and charges to be paid shall be determined upon a special case.

(Amended 33 of 1939 Schedule; 62 of 1999 s. 3)

Section:	46	(Repealed 7 of 1972 s. 2)		30/06/1997
----------	----	---------------------------	--	------------

Section:	47	Traffic upon tramway		30/06/1997
----------	----	----------------------	--	------------

TRAFFIC UPON THE TRAMWAY

The tramway may be used for the purposes of conveying passengers, animals, goods, merchandise, commodities, minerals and parcels.

Section:	48	Company may refuse to carry certain goods		30/06/1997
----------	----	---	--	------------

Save and except passengers' luggage not exceeding 7 kg in mass or 30 l in volume, the company shall not be bound to carry any animals, goods, merchandise, commodities, minerals or parcels.

(Amended 50 of 1911; 1 of 1912 Schedule; L.N. 156 of 1977)

Section:	49	(Repealed 78 of 1975 s. 2)		30/06/1997
----------	----	----------------------------	--	------------

Section:	50	Fares for passengers		30/06/1997
----------	----	----------------------	--	------------

FARES

(1) The company may demand and take for every passenger travelling upon the tramway or any portion thereof fares not exceeding the following rates-

From any point on the tramway to the terminus indicated on the car.

}

Thirty cents*.

(Amended 41 of 1972 s. 2; 78 of 1975 s. 3)

(2) A list printed in the English and Chinese languages of all the fares for the time being authorized to be taken shall be exhibited in a conspicuous place at the offices of the company, and inside every car used upon the tramway:

Provided that if there be any variation between the English and Chinese prints of the said list, the English print thereof shall prevail.

(Replaced 32 of 1946 s.3. Amended 20 of 1948 s.4)

Note:

* For new rates-See Tramway Ordinance (Alteration of Fares) Notice (Cap 107 sub. leg. D)

Section:	51	Alteration of the rates of fares	62 of 1999	01/07/1997
----------	----	----------------------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

(1) Subject to the consent of the Chief Executive in Council it shall be lawful for the company to alter the rates of fares for the time being authorized in respect of the whole or any portion of the tramway.

(2) Any such alteration shall come into force one month after its publication in the Gazette or within such shorter period after such publication as the Chief Executive in Council may order.

(Replaced 32 of 1946 s. 4. Amended 62 of 1999 s. 3)

Section:	52	(Repealed 41 of 1972 s. 3)		30/06/1997
----------	----	----------------------------	--	------------

Section:	53	If cars full, company not bound to carry		30/06/1997
----------	----	--	--	------------

The company shall not be bound to find accommodation for any passenger in or on any car in or on which the accommodation is fully taken up, notwithstanding that such passenger may have purchased a ticket entitling him to travel upon the tramway.

(Replaced 34 of 1915 s.4)

Section:	54	Passengers' luggage		30/06/1997
----------	----	---------------------	--	------------

No passenger may take on the tramway personal luggage other than small hand-baskets, bags or parcels, no one of which shall exceed 7 kg in mass or 30 l in volume. All such personal luggage shall be carried by hand and at the responsibility of the passenger, and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(Amended 51 of 1911; 2 of 1912 Schedule; L.N. 156 of 1977)

Section:	55	Payment of fares		30/06/1997
----------	----	------------------	--	------------

The authorized fares shall be paid to such persons and at such place and in such manner as the company may, by notice annexed to the list of fares, appoint.

(Replaced 32 of 1946 s.6. Amended 20 of 1948 s.4)

Section:	55A	Exemption of hire service and tour service		30/06/1997
----------	-----	--	--	------------

- (1) Sections 50, 51 and 55 shall not apply to a tramway service that is a hire service or a tour service.
- (2) The maximum number of cars that may be used at any time to operate a tour service shall be subject to the approval in writing of the Commissioner for Transport.
- (3) On every car used on a tour service, the fare payable shall be displayed conspicuously on the front and near side of the car in English and Chinese so as to be easily visible to intending passengers before boarding.
- (4) For the purposes of this section-
 - (a) "designated tram stop" (指定電車站) means a place designated as a tram stop in accordance with regulations made under section 38;
 - (b) "hire service" (租車服務) means a service for the carriage of passengers where a person hires a car for a period subject to payment;
 - (c) "tour service" (遊覽服務) means a service for the carriage of passengers at separate fares from one designated tram stop to another such stop on the route of a car which-
 - (i) is designed for the purpose of sightseeing by the passengers;
 - (ii) is conspicuously marked "tour tram" and "遊覽電車"; and (Amended 80 of 1997 s. 111)
 - (iii) has an entry gate operated by a conductor.

(Added 9 of 1988 s.2)

Section:	56	On abandonment, road to be restored		30/06/1997
----------	----	-------------------------------------	--	------------

ABANDONMENT OF UNDERTAKING

If the company abandons its undertaking or any part thereof and takes up the tramway or any portion thereof, it shall, with all convenient speed and in all cases within eight weeks at the most (unless the Director otherwise consents in writing), fill in the ground and make good the surface and restore to the satisfaction of the Director the portion of the road upon which the tramway or such portion thereof as is abandoned was laid to a good condition, and shall clear away surplus paving or metalling material or rubbish occasioned by such work, and shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night:

Provided that if the company fails to comply with the provisions of this section the Director may at any time, after 7 days' notice to the company, remove the tramway and do the work necessary for the restoration of the road to the extent provided for in this section and the expense incurred by him in so doing shall be repaid by the company.

(Amended 50 of 1911 s.4; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 33 of 1939 Schedule)

Section:	57	Breach of provisions of Ordinance, etc.		30/06/1997
----------	----	---	--	------------

OFFENCES

Any person who commits any offence against this Ordinance for which no penalty is specially provided, or wilfully obstructs any person acting under the authority of the company in the lawful exercise of any of the powers hereby conferred, shall be liable to a fine of \$500.

(Amended 30 of 1911 s.10; 50 of 1911; 1 of 1912 Schedule; 5 of 1924 Schedule; 33 of 1939 Schedule; 48 of 1972 s.4)

Section:	58	Offences concerning car or tramway		30/06/1997
----------	----	------------------------------------	--	------------

Any person who wilfully and without lawful excuse-

- (a) interferes with, removes or alters any part of the tramway or of the works connected therewith; or
- (b) places or throws any stone, dirt, wood, refuse or other material on any part of the tramway; or
- (c) does or causes to be done anything in such manner as to obstruct any car using the tramway, or to endanger the lives of persons therein or thereon; or
- (d) knowingly aids or assists in the doing of any of such things,

shall be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a fine of \$1000 and in default of payment to imprisonment to 12 months.

(Amended 30 of 1911 s.10; 50 of 1911; 1 of 1912 Schedule; 8 of 1912 s.62; 5 of 1924 Schedule)

Section:	59	Offences concerning passengers		30/06/1997
----------	----	--------------------------------	--	------------

Any person who-

- (a) while travelling or after having travelled in any car, avoids or attempts to avoid payment of his fare; or
- (b) having paid his fare for a certain distance, knowingly and wilfully proceeds in any such car beyond such distance and does not pay or tender the additional fare for the additional distance, or attempts to avoid payment thereof; or
- (c) knowingly or wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such car,

shall be liable to a fine of \$100.

(Replaced 5 of 1924 Schedule. Amended 32 of 1946 s.7)

Section:	60	Power to detain persons who commit offences	62 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

It shall be lawful for any officer or servant of the company, and for any person called by him to his assistance, to seize any person whom such officer or servant may have reasonable grounds for believing to have committed any offence against this Ordinance or against any rule made thereunder, and to detain such person until he can be handed over to a police officer, and any police officer to whom any person is so handed over shall detain any such person until he can conveniently be brought before a magistrate:

Provided that it shall be lawful for any police officer in his discretion to release such person upon being furnished by such person with his true name and true address in Hong Kong.

(Replaced 34 of 1915 s. 6. Amended 62 of 1999 s. 3)

Section:	61	Penalty for bringing dangerous goods on tramway		30/06/1997
----------	----	---	--	------------

No person shall be entitled to carry or to require to be carried on the tramway any dangerous goods as defined by virtue of the Dangerous Goods Ordinance (Cap 295), or any Ordinance amending or substituted for the same, and every person who sends by the tramway any such goods without distinctly marking their nature on the outside of the vessel or package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with

whom the same are left, at the time of such sending, shall be liable to a fine of \$100, and it shall be lawful for the company to refuse to take any parcel that it may suspect to contain any such dangerous goods or require the same to be opened to ascertain the fact.

(Amended 30 of 1911 s.10; 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule; 5 of 1924 s. 13 & Schedule; 33 of 1939 Schedule)

Section:	62	Penalty for using tramway with flange-wheeled carriages, etc.		30/06/1997
----------	----	---	--	------------

Any person who (except under the authority of this Ordinance) uses the tramway with carriages, cars or vehicles having flange-wheels or other wheels suitable to run on the rails of the tramway shall be liable to a fine of \$100.

(Amended 30 of 1911 s.10; 5 of 1924 Schedule)

Section:	63	Recovery of fares, charges and fines		30/06/1997
----------	----	--------------------------------------	--	------------

MISCELLANEOUS

(1) Every fare or charge imposed by this Ordinance or any rule or bylaw made thereunder, the recovery of which is not otherwise provided for, may be recovered in the District Court as a civil debt.

(2) Every fine imposed by this Ordinance or any rule or bylaw made hereunder, the recovery of which is not otherwise provided for, may be recovered before a magistrate, and the provisions of the Magistrates Ordinance (Cap 227) shall apply to every proceeding before, and every order by, a magistrate under this subsection.

(Replaced 35 of 1969 Schedule)

Section:	64	Fares etc., to be sued for within six months		30/06/1997
----------	----	--	--	------------

No person shall be liable to the payment of any fare, charge or fine imposed by virtue of this Ordinance or any rule or bylaw made thereunder unless proceedings for the recovery of the same shall have been commenced within 6 months.

(Replaced 35 of 1969 Schedule)

Section:	65	Company to be responsible for all damage through its act or default		30/06/1997
----------	----	---	--	------------

The company shall be answerable for all accidents, damages and injuries happening through its act or default, or through the act or default of any person in its employment, by reason or in consequence of any of its works or cars, and shall save harmless all departments, and persons collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages and injuries.

(Amended 50 of 1911; 1 of 1912 Schedule; 43 of 1912; G.N. 246 of 1913 Supp. Schedule)

Section:	66	Right of user of roads only acquired		30/06/1997
----------	----	--------------------------------------	--	------------

Notwithstanding anything in this Ordinance, the company shall not acquire any right other than that of user of the roads along or across which the tramway is laid.

(Amended 5 of 1924 Schedule; 33 of 1939 Schedule)

Section:	67	Power to police to regulate traffic		30/06/1997
----------	----	-------------------------------------	--	------------

Nothing in this Ordinance shall limit the powers of the police to regulate the passage of any traffic along or across any public road along or across which the tramway is laid, and the police may exercise their powers as well on as off the tramway and with respect as well to the traffic of the company as to the traffic of other persons, and in particular nothing in this Ordinance shall limit the power of the Commissioner of Police under any Ordinance to make regulations with reference to traffic.

(Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule)

Section:	68	Rights of public reserved		30/06/1997
----------	----	---------------------------	--	------------

Nothing in this Ordinance shall take away or abridge the right of the public to pass along or across every or any part of any public road along or across which the tramway is laid, whether on or off the tramway, with carriages, cars or vehicles not having flange-wheels suitable only to run on the rails of the tramway.

(Amended 50 of 1911; 1 of 1912 Schedule)

Section:	69	Nuisances		30/06/1997
----------	----	-----------	--	------------

Nothing in this Ordinance shall exonerate the company from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by it.

(Amended 50 of 1911; 1 of 1912 Schedule)

Section:	70	Saving	62 of 1999	01/07/1997
----------	----	--------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

(Replaced 20 of 1948 s. 4. Amended 62 of 1999 s. 3)