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Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 November 2005

**Proposed resolution under
the Tung Chung Cable Car Ordinance**

Further to LC Paper No. CB(3) 731/04-05 issued on 21 June 2005, the Secretary for Economic Development and Labour has given fresh notice to move a resolution at the Council meeting of 2 November 2005 under the Tung Chung Cable Car Ordinance. The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

2. The speech which the Secretary for Economic Development and Labour will deliver when moving the proposed resolution will be issued as soon as it is available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

TUNG CHUNG CABLE CAR ORDINANCE

RESOLUTION

(Under section 22 of the Tung Chung Cable Car Ordinance (Cap. 577))

RESOLVED that the Tung Chung Cable Car Bylaw, made by the MTR Corporation Limited on 17 October 2005, be approved.

TUNG CHUNG CABLE CAR BYLAW

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TUNG CHUNG CABLE CAR BYLAW

(Made by the MTR Corporation Limited under section 22 of the Tung Chung Cable Car Ordinance (Cap. 577) subject to the approval of the Legislative Council)

PART 1

PRELIMINARY

1. Interpretation

In this Bylaw, unless the context otherwise requires –

“authorized official” (授權人員) means any person duly authorized to act on behalf of the Company;

“cable car” (吊車) means a car, which is part of the Cable Car System, for the carriage of persons;

“child” (兒童) means a person under 12 years of age;

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

“conditions of issue” (車票發出條件) means the conditions of issue of tickets published from time to time by or on behalf of the Company and posted in the Cable Car System area;

“fare” (車費) means the fare payable by any person to whom or on whose behalf a ticket is issued by or on behalf of the Company;

“fauna” (動物群) means all birds, fish and animals, whether wild or domestic;

“flora” (植物群) means all trees, shrubs, plants and vegetation, whether wild or cultivated;

“paid area” (已付車費區域) means those parts of the Cable Car System area –

(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 cable cars when in service;

“platform” (月台) means a part of the Cable Car System area designated by the Company by notices, signs or in any other manner as will reasonably indicate the same as a place for boarding or alighting from a cable car;

“surcharge” (附加費) means such amount as may be specified in the conditions of issue as a surcharge;

“ticket” (車票) means any form of ticket, card, pass or permit from time to time issued by the Company, or by persons duly authorized by the Company, for travel on the Cable Car System;

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

“vehicle” (車輛) includes the contents of a vehicle and any load carried by a vehicle.

PART 2

TRESPASS AND DAMAGE TO CABLE CAR SYSTEM

2. Admission

(1) An authorized official may refuse to admit any person onto or into the Cable Car System or the Cable Car System area, or any part of the Cable Car System or the Cable Car System area, at any time if such authorized official has reasonable cause to believe that the refusal is necessary to ensure safety or order, or that such person is likely to contravene a provision of this Bylaw.

(2) An authorized official may refuse to admit any child onto or into the Cable Car System or the Cable Car System area if the child is not accompanied by a person who has attained 15 years of age.

3. Trespass

No person shall, unless authorized by an authorized official –

- (a) enter into the Cable Car System area, 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 Cable Car System; or
- (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.

4. Trespass on certain area

(1) If a warning notice is posted in respect of any part of the Cable Car System area, no person shall, unless authorized by an authorized official or except under any circumstances specified in the warning notice, enter or remain in that part.

(2) In subsection (1), “warning notice” (警告告示) means a notice in English and Chinese forbidding any member of the public from entering the relevant part of the Cable Car System area, which is posted in such a place as will reasonably be readily seen and read before he enters that part.

5. Damage to Cable Car System, cable cars, plant and equipment

No person shall improperly use, meddle, damage or otherwise interfere with –

- (a) any machine or equipment used or employed on or in connection with the Cable Car System or in the Cable Car System area, or any part of such machine or equipment;
- (b) any cable car or any equipment on a cable car used or employed on or in connection with the Cable Car System;

- (c) any cables, ropes, towers, pylons or supporting system used or employed on or in connection with the Cable Car System;
- (d) any electrical plant, overhead wiring or other form of electrical installation or equipment of any nature used or employed on or in connection with the Cable Car System;
or
- (e) any building or other construction owned or occupied by the Company in the Cable Car System area or otherwise used or employed in connection with the Cable Car System.

6. Sewage, etc. placed on Cable Car System or in Cable Car System area

No person shall cause or permit any sewage, drainage or other offensive matter to flow onto, enter or be placed on the Cable Car System or in the Cable Car System area.

7. Rubbish, etc. thrown at, on or from Cable Car System or Cable Car System area

No person shall deposit or throw, or cause to be deposited or thrown, at, on or from the Cable Car System or the Cable Car System area any glass, stone, missile, rubbish or other offensive or waste matter.

8. Improper use of emergency equipment

No person shall, unless authorized by an authorized official, activate any emergency or safety device on or in or otherwise used or employed in connection with the Cable Car System or the Cable Car System area, save for the express purpose for which such device is provided and in accordance with the instructions relating to such device.

9. Wrongfully boarding or alighting from cable cars

No person shall board or alight from or attempt to board or alight from any cable car after the doors of the cable car have commenced to close.

PART 3

FARES AND TICKETS

10. Conditions of issue of tickets

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

(2) Any person who enters into the paid area, or 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 the conditions of issue.

11. Fares

The fares appearing in notices, lists or tables published from time to time by the Company and posted at the Cable Car System or in the Cable Car System area are the fares for travel on the Cable Car System.

12. Tickets contain no warranty or acceptance of liability

All time-tables, if any, issued by the Company are issued by way of guidance only and any departure and arrival times for any cable car are estimates only. The issuance of a ticket for service of the Cable Car System does not warrant that a person will be conveyed on any particular cable car, or that any cable car shall depart or arrive at a particular time. Apart from any refunding arrangement made in accordance with the Company's refund policy, the Company will not be liable to any person for any loss or damage caused by the alteration, suspension or withdrawal of all or any of the services of the Cable Car System, other than such loss or damage involving death or personal injury.

13. Compliance with conditions of issue

(1) No person shall, unless authorized by an authorized official, enter or leave or attempt to enter or leave the paid area or travel or attempt to travel on the Cable Car System otherwise than in accordance with the conditions of issue.

(2) A person shall leave the paid area within such period as may be specified in the conditions of issue failing which he shall, where he has no reasonable excuse for remaining in the paid area after the expiry of such period, pay a surcharge.

14. Entry and travel without ticket

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 on the Cable Car System,

without first paying his fare and obtaining a valid ticket appropriate to the circumstances of his intended journey and using that ticket as required by the conditions of issue of such ticket.

15. Failure to pay fares, etc.

No person shall, unless authorized by an authorized official, prior to leaving the paid area, fail or refuse to pay any fare, surcharge or other sum payable in accordance with this Bylaw and the conditions of issue.

16. Travel where ticket is lost, damaged or expired

(1) If a person (other than a person who is under 3 years of age) is in the paid area and –

- (a) is without a ticket;
- (b) is using or attempting to use or has used a ticket improperly damaged, altered or interfered with or the coded data of which has been improperly altered, erased or damaged either wholly or in part;

- (c) is using or attempting to use or has used a ticket that has expired; or
- (d) is using or attempting to use or has used a concessionary ticket when he does not 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 to pay the appropriate fare and a surcharge and to deliver up his ticket (if any) to an authorized official.

(2) For the purposes of subsection (1), a ticket shall expire in such circumstances as specified in the conditions of issue.

(3) Any person who has paid a surcharge or delivered up his ticket pursuant to the provisions of this section shall be entitled to apply in writing to the Chairman or Chief Executive Officer of the Company (or their respective appointed nominee) for a review of the circumstances in which he became liable to a surcharge or to deliver up his ticket and the said Chairman or Chief Executive Officer of the Company (or their respective 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 in the delivered up ticket.

17. Tickets and change, etc.

(1) A person purchasing a ticket shall examine his ticket and any change tendered before leaving any ticket office and the Company shall not be liable for any error or omission not drawn to its attention at the time of the 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 or pay by any other mode of payment as specified by notice on the machine 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.

(3) No person shall, without reasonable excuse, insert or attempt to insert into any automatic vending machine or coin change machine any coin, object or thing other than Hong Kong legal tender in the denominations identified by notice on the machine as suitable for use in that machine.

(4) 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.

(5) Any person using, attempting to use or who has used a concessionary ticket shall, if requested by an authorized official to do so, produce to that authorized official acceptable proof of his entitlement to a concessionary ticket.

18. Producing tickets on demand

(1) A person in the paid area or in any other part of the Cable Car System area after having immediately gained exit from the paid area shall produce his ticket for checking, inspection or verification at any time on demand by any authorized official.

(2) A person who contravenes subsection (1) shall be regarded as not having paid his fare and shall be liable to pay a surcharge.

19. Improperly doing things to or with a ticket

No person shall improperly do anything to or with a ticket so that –

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

20. Refunds and exchanges

(1) A ticket may be refunded or exchanged only at the discretion of the Company, and the refund or exchange may be subject to the deduction of an administration charge specified in the conditions of issue.

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

(3) The Company shall not be liable to issue a ticket in replacement of a lost or unused ticket or to make a refund in respect of any such lost or unused ticket or in respect of a surcharge charged to any person in accordance with this Bylaw.

PART 4

SAFETY PRECAUTIONS

21. Compliance with notices, etc.

(1) A person shall, while on the Cable Car System or in the Cable Car System area, comply with all notices and indicators which are posted as will reasonably be readily seen and read and all reasonable directions and requests of any authorized official.

(2) Without prejudice to subsection (1), if an authorized official determines at his absolute discretion that a cable car is full, no person shall board or remain therein if directed by such authorized official not to do so.

22. Children on Cable Car System and in Cable Car System area

(1) Unless authorized by an authorized official, a child shall not board a cable car or travel on the Cable Car System unless he is accompanied by a person who has attained 15 years of age.

(2) The person accompanying a child on the Cable Car System or in the Cable Car System area shall use his best endeavours to prevent the child from behaving in a manner likely to endanger persons or property.

(3) A person accompanying a child under 3 years of age on the Cable Car System shall hold or secure the child in a safe manner whilst the child is on a platform or boarding or alighting from a cable car.

23. Restriction on number of persons

(1) The maximum capacity of a cable car is 17 persons, subject to a maximum total weight of 1 275 kg.

(2) A person shall comply with all loading instructions given by an authorized official.

(3) No person shall board or alight from a cable car unless so directed by an authorized official.

24. Power of authorized official to give directions

An authorized official may give to any person any signal or verbal direction for the purpose of –

(a) marshalling and controlling persons using or intending to use the Cable Car System so as to provide for safe and orderly embarkation and disembarkation; and

(b) preventing any act or omission by such person which is likely to render the Cable Car System unsafe for person,

and a person to whom any such signal or direction is given shall forthwith comply with the signal or direction.

25. Prohibited persons

An authorized official may refuse the admission into or remove from the Cable Car System area –

(a) any person whom he believes or is given reasonable cause to believe is under the influence of alcohol or drugs or in a state of intoxication resulting from consuming or abusing medicine;

(b) any person whom he believes or is given reasonable cause to believe is suffering from a contagious disease; or

- (c) any person whom he believes or is given reasonable cause to believe may prejudice the safety of the Cable Car System.

26. Adversely affecting safety

(1) No person shall do anything that may adversely affect the safety of persons on the Cable Car System or in the Cable Car System area or the safety of the Cable Car System.

(2) A person who contravenes subsection (1) shall comply with such directions of an authorized official as the authorized official considers necessary or expedient to give.

27. Flying materials endangering safety or operations

No person shall cause or permit any kite, balloon, model or other thing to fly which may in the reasonable opinion of an authorized official endanger the safety on, or the proper operation of, the Cable Car System.

PART 5

**CONDUCT OF PERSONS ON THE CABLE CAR SYSTEM OR IN
THE CABLE CAR SYSTEM AREA**

28. Prohibited goods, etc. and smoking

(1) No person shall carry onto the Cable Car System or into the Cable Car System area –

- (a) subject to subsection (2), any arms or ammunition;
- (b) subject to subsection (2), any dangerous goods within the meaning of the Dangerous Goods Ordinance (Cap. 295);
or
- (c) any object likely to cause inconvenience or annoyance to any person on the Cable Car System or prejudice the safe operation of the Cable Car System.

(2) Subsection (1)(a) shall not apply to any public officer while on duty, and subsection (1)(b) shall not apply to any person authorized by the Company to carry any such dangerous goods for the purposes of the operation, management or maintenance of the Cable Car System.

(3) No person shall smoke or carry a lighted pipe, cigar or cigarette or naked flame in any form on any part of the Cable Car System or in any part of the Cable Car System area where smoking is prohibited by notice.

29. Spitting and littering

No person shall –

- (a) spit on the Cable Car System or in the Cable Car System area; or
- (b) place or throw any litter on the Cable Car System or in the Cable Car System area, except into receptacles provided for that purpose.

30. Nuisance or annoyance

No person shall conduct himself on the Cable Car System or in the Cable Car System area so as to cause a nuisance or annoyance to other persons.

31. Playing musical instruments, etc.

No person shall, unless authorized by an authorized official, sing, dance or perform on or play any musical instrument on the Cable Car System or in the Cable Car System area.

32. Using radios, cassettes, etc.

A person may only use or attempt to use any radio, cassette, compact disc player, record player, portable wireless television or any other similar device which generates sound on the Cable Car System or in the Cable Car System area with an earphone or headset or with the authorization of an authorized official.

33. Bringing prohibited luggage, etc. and consumption of food or beverage

No person shall –

- (a) bring onto the Cable Car System or into the Cable Car System area any luggage, article or other thing which –
 - (i) cannot be carried or otherwise accommodated on the Cable Car System or in the Cable Car System area without risk of damage to property on the Cable Car System or in the Cable Car System area;
 - (ii) cannot be carried or otherwise accommodated on the Cable Car System or in the Cable Car System area without causing a nuisance or inconvenience to other persons on the Cable Car System or in the Cable Car System area; or
 - (iii) an authorized official has directed that person not to bring onto the Cable Car System or into the Cable Car System area; or
- (b) consume or attempt to consume any food or beverage (whether alcoholic or non-alcoholic) but excluding water on the Cable Car System or in the paid area.

34. Animals, livestock or pets on Cable Car System or in Cable Car System area

No person shall, unless authorized by an authorized official, bring any animal, livestock or pet onto the Cable Car System or into the Cable Car System area.

35. Improper operation of equipment, etc.

(1) No person, except an authorized official or unless and to the extent authorized by an authorized official, shall –

- (a) operate, move, or work –

- (i) any mechanical or electrical appliance on the Cable Car System or in the Cable Car System area;
or
 - (ii) any switch, lever or other device operating or controlling any mechanical or electrical appliance on the Cable Car System or in the Cable Car System area, other than the proper use of any automatic gate or telephones;
- (b) tamper with or wilfully impede or interfere with the operation of any mechanical or electrical appliance on the Cable Car System or in the Cable Car System area;
 - (c) ascend or descend, or attempt to ascend or descend, by means of any escalator on the Cable Car System or in the Cable Car System area other than in such manner and order as is directed by the Company;
 - (d) travel or attempt to travel on any escalator or moving platform on the Cable Car System or in the Cable Car System area in a direction other than the direction in which it is moving;
 - (e) sit on any escalator or moving platform or any handrail on the Cable Car System or in the Cable Car System area; or
 - (f) open or attempt to open any gate or door leading to or from a platform or any part of the paid area.

(2) No person, except an authorized official or unless authorized by an authorized official, shall retain any key to any gate or door to or on the Cable Car System or to or in the Cable Car System area and if such a key comes into the possession of a person, the person shall immediately surrender the key to an authorized official.

(3) In cases of accident or other emergency, a person may operate, move, or work any switch, lever, mechanical or electrical appliance or other

device on the Cable Car System or in the Cable Car System area on or near which is displayed a notice that it is intended to be operated in cases of accident or emergency.

36. Climbing or jumping on or over barriers, turnstiles, etc.

No person shall, unless authorized by an authorized official, climb or jump on or over any wall, fence, barrier, turnstile or post in the Cable Car System area.

37. Interference with, etc. flora or fauna

No person shall, unless authorized by an authorized official, remove, interfere with, damage or injure any flora or fauna in the Cable Car System area or climb any tree in the Cable Car System area.

38. Boarding or alighting from cable cars

A person shall –

- (a) board or attempt to board any cable car;
- (b) wait at a platform for the arrival of a cable car or wait inside a cable car for the arrival at a platform; or
- (c) gain access from the platform to a cable car or gain access from a cable car to a platform,

only at such time and location and in such manner as an authorized official shall reasonably direct.

39. Soil or damage to dress, clothing or personal effects

No person shall soil or damage the dress, clothing or personal effects of any other person on the Cable Car System or in the Cable Car System area.

40. Prohibited conduct

- (1) No person shall, at any time while in the Cable Car System area –

- (a) use any threatening, abusive or obscene language, or behave in a riotous, disorderly or indecent manner or such manner as to cause a nuisance;
- (b) paint, write, draw or affix any word, representation or character on, or wilfully soil or defile or break, cut, scratch, tear, spray, deface or damage any part of the Cable Car System or any other property in the Cable Car System area, including any cable car, fittings, furniture, decorations, equipment, publication, notice, list, time-table, advertisement, sign, figure or letter, or remove or detach any such article or object;
- (c) molest any person; or
- (d) unless authorized by an authorized official, and subject to such terms and conditions as an authorized official may impose, use any voice recording or video recording or camera equipment for the conduct of interviews or taking of photographs, films or videos for any commercial purpose.

(2) A person who contravenes this section is liable to the Company for the amount of the damage done to any property or personal injury caused to the authorized officials of the Company or damage or injury suffered by any other person without prejudice to any penalty incurred as a result of the contravention of this section.

PART 6

SOLICITING, HAWKING AND BILL POSTING

41. Soliciting alms

No person shall on the Cable Car System or in the Cable Car System area solicit alms.

42. Hawking

No person shall, unless authorized in writing by an authorized official, sell or expose or offer for sale any goods, wares or services in the Cable Car System area, 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 83 of that Ordinance.

43. Bill posting, etc.

No person shall, unless authorized in writing by an authorized official –

- (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 the Cable Car System or in the Cable Car System area.

PART 7**VEHICLES IN CABLE CAR SYSTEM AREA****44. Vehicles left in Cable Car System area**

Except with the permission of an authorized official, no person shall leave or cause to be left any vehicle –

- (a) in the Cable Car System area;
- (b) at any entrance to the Cable Car System area; or
- (c) on any road which is under the control of the Company for the purposes of the operation, management or maintenance of the Cable Car System.

45. Dealing with vehicles left in Cable Car System area

(1) The Company may, in such manner as it thinks fit, remove and detain any vehicle in respect of which a contravention of section 44 is committed and may charge the owner or driver of the vehicle all costs and expenses occasioned by and incidental to such removal and detention without prejudice to any penalty incurred as a result of the contravention of that section.

(2) As soon as practicable after a vehicle has been detained under subsection (1), the Company shall –

(a) in respect of a vehicle of which there is a registered owner (as defined in section 2 of the Road Traffic Ordinance (Cap. 374)), serve on such registered owner a notice informing him of the matters stated in subsection (3)(a) and (b); or

(b) in respect of any other vehicle of which there is no such registered owner, display a notice in the Cable Car System area in such a manner that it is reasonably to be readily seen and read, informing members of the public of the matters stated in subsection (3)(a) and (b).

(3) The notice referred to in subsection (2)(a) or (b) shall inform the registered owner or members of the public, as the case may be –

(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 or the display of the notice, the vehicle shall become the property of the Company free from the rights of any person and may be disposed of by the Company by sale or otherwise.

(4) If a vehicle is not removed in accordance with the notice served or displayed under subsection (2), the vehicle shall become the property of the Company free from the rights of any person and may be disposed of by the Company by sale or otherwise as it thinks fit.

(5) If, within 6 months after the day on which a vehicle is sold pursuant to subsection (4), any person satisfies the Company that at the time the vehicle became the property of the Company by virtue of that subsection, he was the owner of the vehicle, the Company 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 Company in respect of the sale of the vehicle.

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

46. Vehicle drivers to comply with signs, etc.

Vehicle drivers shall, while in the Cable Car System area, obey all traffic signs and signals and the reasonable instructions and directions of any authorized official.

47. Dangerous driving

No person shall drive any vehicle through, into or in the Cable Car System area at a rate of speed or in a manner liable to involve danger to others.

48. Vehicles in pedestrian areas

No person shall drive any vehicle in or along any part of the Cable Car System area set apart by an authorized official for the exclusive use of pedestrians.

PART 8

LOST PROPERTY

49. Lost property

A person who finds any lost property on the Cable Car System or in the Cable Car System area shall report to an authorized official as soon as practicable, and no person other than an authorized official shall remove from the Cable Car System or the Cable Car System area any property lost or left behind on the Cable Car System or in the Cable Car System area, save for the purpose of handing over the property forthwith to an authorized official.

50. Disposal of lost property

(1) All lost property found on the Cable Car System or in the Cable Car System area which comes into the possession of the Company shall be dealt with as follows –

- (a) perishable, noxious, dangerous or otherwise offensive goods or articles may be disposed of by the Company as soon as practicable after they have come into the possession of the Company by sale or otherwise as it thinks fit;
- (b) identification documents, travel documents, certificates or any other document which the Company shall regard to be of an important or confidential nature may be disposed of by the Company within such time they have come into the possession of the Company and in such manner as the Company thinks fit; and
- (c) all other goods or articles shall be retained by the Company for a period of 3 months after they have come into its possession and, if after the end of that period they remain unclaimed, they shall be deemed to become the

property of the Company free of all other rights and encumbrances, and the Company may dispose of them by sale or otherwise as the Company thinks fit.

(2) If, within a period of 6 months of any sale or disposal by the Company under subsection (1)(a) or (c), the former owner or the person formerly entitled to the beneficial ownership of the goods establishes his ownership to the satisfaction of the Company, he shall be paid, subject to his providing the Company with an indemnity as the Company may reasonably require, the proceeds of sale, if any, less all expenses incurred by the Company of and incidental to the sale or disposal and, if after the end of that period the proceeds of sale, if any, less all expenses incurred by the Company of and incidental to the sale or disposal remain unclaimed, the Company shall donate the balance of the proceeds to charitable organizations on such terms and conditions as it thinks fit.

(3) Save as provided in subsection (2), the Company shall incur no liability whatsoever, other than liability for gross negligence or wilful default, 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 9

ENFORCEMENT AND PENALTIES

51. Removal of persons from Cable Car System or Cable Car System area

(1) Any person who is reasonably suspected by an authorized official of contravening or attempting to contravene a provision of this Bylaw, while on the Cable Car System or in the Cable Car System area shall, when required to do so by such authorized official –

- (a) give to that authorized official true and correct particulars of his name, address and telephone number; and
- (b) produce to that authorized official proof of his identity and, if in his possession at such time, proof of his address and telephone number.

(2) An authorized official may remove (if necessary by the use of reasonable force) from the Cable Car System or Cable Car System area any person whom he reasonably suspects of having contravened or attempting to contravene a provision 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 contravention is an offence under this Bylaw, the authorized official may detain such person until that person can be delivered into the custody of a police officer to be dealt with according to law.

52. Offences and penalties

A person who contravenes a provision of this Bylaw set out in column 1 of the Schedule commits an offence and is liable to a fine at the level set out in column 3 of that Schedule opposite the reference to that section.

53. Saving of Company's rights

(1) Nothing in this Bylaw or the failure to institute any prosecution, or to take any step or action under this Bylaw shall bar any further or other claim for damages or other remedy or relief available to the Company against any person.

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

SCHEDULE

[s. 52]

PENALTIES

Column 1	Column 2	Column 3
Section	Summary of offence	Maximum penalty
3	Trespass	level 2
4(1)	Trespass on certain area	level 2
5	Damage to Cable Car System, cable cars, plant and equipment	level 2
6	Sewage, etc. placed on Cable Car System or in Cable Car System area	level 2
7	Rubbish, etc. thrown at, on or from Cable Car System or Cable Car System area	level 2
8	Improper use of emergency equipment	level 2
9	Wrongfully boarding or alighting from cable cars	level 1
14	Entry and travel without a ticket	level 2
15	Failure to pay fares, etc.	level 2
17(3)	Wrongfully using an automatic vending machine or a coin change machine	level 2
18(1)	Failure to produce a ticket on demand	level 2
19	Improperly doing things to or with a ticket	level 2
21(1)	Non-compliance with notices, etc.	level 1
21(2)	Boarding or remaining in a full cable car	level 1

22(2)	Failure to use best endeavours to prevent a child from behaving in a manner likely to endanger persons or property	level 2
22(3)	Failure to hold or secure a child in a safe manner whilst on a platform or boarding or alighting from a cable car	level 2
23(2)	Failure to comply with loading instructions	level 2
23(3)	Boarding or alighting unless so directed by an authorized official	level 2
24	Non-compliance with signal or direction given by an authorized official	level 2
26(1)	Adversely affecting safety of persons and Cable Car System	level 2
26(2)	Failure to comply with directions in relation to safety of persons and Cable Car System	level 2
27	Flying materials endangering safety or proper operation	level 2
28(1)	Carrying prohibited objects, etc.	level 2
28(3)	Smoking, etc.	level 1
29	Spitting and littering	level 1
30	Causing nuisance or annoyance	level 2
31	Singing, dancing or performing on or playing musical instruments	level 1
32	Using radios, cassettes, etc.	level 1
33(a)	Bringing prohibited luggage, etc.	level 1
33(b)	Consumption of food or beverage	level 1
34	Bringing animals, livestock or pets	level 1

35(1)	Improper operation of equipment, etc.	level 2
35(2)	Retaining, or failing to surrender, a key for Cable Car System or Cable Car System area	level 2
36	Climbing or jumping on or over barriers, turnstiles, etc.	level 2
37	Removing, interfering with, damaging or injuring flora or fauna or climbing trees	level 2
38	Boarding or alighting from a cable car other than as directed	level 2
39	Soil or damage to dress, clothing or personal effects	level 2
40(1)(a)	Using prohibited language or behaving in a manner that is prohibited	level 1
40(1)(b)	Damaging, etc. part of Cable Car System or other property in Cable Car System area	level 2
40(1)(c)	Molesting a person	level 2
40(1)(d)	Using voice or video recording equipment or camera equipment in a manner that is prohibited	level 2
41	Soliciting alms	level 2
42	Hawking	level 2
43	Bill posting, etc. or distributing articles, etc.	level 2
44	Vehicles left in Cable Car System area	level 2
46	Failure of vehicle drivers to comply with signs, etc.	level 2
47	Dangerous driving	level 2

48	Driving in pedestrian areas	level 2
49	Failure to report upon finding lost property	level 1
51(1)	Failure to give true and correct particulars of name, address and telephone number or to produce proof of identity and, if in possession, proof of address and telephone number	level 2

Made under the Common Seal of the MTR Corporation Limited

On 17 October 2005.

Explanatory Note

This Bylaw is made under section 22 of the Tung Chung Cable Car Ordinance (Cap. 577), subject to the approval of the Legislative Council –

- (a) to control and regulate the conduct of members of the public on the Cable Car System and in the Cable Car System area;

- (b) to provide a system for evidencing (whether by issue of tickets or otherwise) the payment of fares by passengers on the Cable Car System;
- (c) to provide for the custody and return or disposal of property found on the Cable Car System and in the Cable Car System area;
- (d) to protect the property of the Company in the Cable Car System area from damage or interference;
- (e) to control unauthorized advertising on the Cable Car System; and
- (f) to provide for other matters which relate to the control, operation and management of the Cable Car System or to the safety of passengers and the Cable Car System generally and which the Company considers it is necessary or expedient to provide for.

2. Part 1 provides for the definitions to define the meaning of certain expressions used in this Bylaw.

3. Part 2 provides for restriction on admission onto or into the Cable Car System or Cable Car System area, trespass, damage to the Cable Car System, placing of sewage, throwing of rubbish, improper use of emergency equipment and wrongfully boarding or alighting from cable cars.

4. Part 3 provides for ticketing arrangements including conditions of issue of tickets.

5. Part 4 provides for safety precautions on the Cable Car System and in the Cable Car System area.

6. Part 5 provides for conduct of persons on the Cable Car System or in the Cable Car System area.

7. Part 6 provides for the prohibition of soliciting, hawking and bill posting.

8. Part 7 provides for leaving vehicles in the Cable Car System area, dealing with vehicles left in the Cable Car System area and regulating the conduct of drivers and vehicles in pedestrian areas.
9. Part 8 provides for lost property and disposal of lost property.
10. Part 9 provides for offences, penalties and enforcement, and saving of the Company's rights.