

立法會
Legislative Council

LC Paper No. CB(2)2239/02-03

Ref : CB2/HS/1/02

**Paper for the House Committee meeting
on 30 May 2003**

Report of the Subcommittee to study the draft Ocean Park Bylaw

Purpose

This paper reports on the deliberations of the Subcommittee to study the draft Ocean Park Bylaw.

Background

2. The Ocean Park Bylaw (L.N. 1 of 2003) (the 2002 Ocean Park Bylaw) was made by the Ocean Park Corporation (the Corporation) under section 39 of the Ocean Park Ordinance (Cap. 388) on 10 December 2002 and was tabled in Council on 15 January 2003. The 2002 Ocean Park Bylaw sought to regulate the admission to, opening and closing of the Ocean Park (the Park). It also sought to govern the use of facilities at the Park and its amusement rides and the conduct of persons in the Park.

3. At the meeting of the House Committee on 14 February 2003, Members agreed to form a subcommittee to study the 2002 Ocean Park Bylaw. The Subcommittee on Ocean Park Bylaw (the then Subcommittee) had held one meeting and reported its deliberations to the House Committee on 21 February 2003.

4. The then Subcommittee had raised concerns and queries about a number of provisions of the 2002 Ocean Park Bylaw. The Corporation had agreed to consider the Subcommittee's views. As more time was needed to consider the issues and concerns raised before the expiry of the scrutiny period of the 2002 Ocean Park Bylaw, the then Subcommittee recommended that the 2002 Ocean Park Bylaw be repealed. The then Subcommittee also recommended that the House Committee should form a subcommittee to study the new Ocean Park Bylaw to be made after the 2002 Ocean Park Bylaw had been repealed (the draft Ocean Park Bylaw). Hon James TO, Chairman of the then Subcommittee moved a motion to repeal the 2002 Ocean Park Bylaw at the

meeting of the Legislative Council (LegCo) on 26 February 2003. The motion was passed by the Council.

The Subcommittee

5. The House Committee agreed at its meeting on 28 February 2003 to form a subcommittee to study the draft Ocean Park Bylaw. The membership of the Subcommittee is in **Appendix I**. Under the chairmanship of Hon James TO, the Subcommittee has held two meetings, and has discussed the draft Ocean Park Bylaw with the Administration and representatives of the Corporation at one of the meetings.

Deliberations of the Subcommittee

6. In response to the views and concerns expressed by the then Subcommittee, the Corporation has proposed certain amendments to the 2002 Ocean Park Bylaw and provided the draft Ocean Park Bylaw for the Subcommittee's consideration. A summary of these proposed amendments is in **Appendix II**.

7. The deliberations of the Subcommittee on the draft Ocean Park Bylaw are summarized in the following paragraphs.

Conduct of the public in the Park

8. Section 5 of the draft Ocean Park Bylaw governs the conduct of the public in the Park, and prohibits a person from doing certain acts in the Park, e.g. putting his feet on or lying down on a seat or bench and spitting in an unhygienic manner.

9. At members' suggestion, the Corporation has added a "reasonable excuse" clause to section 5(3)(n) and improved the drafting of the Chinese text to make it clear that the "reasonable excuse" clause covers the acts of putting his feet on and lying down on a seat or bench.

10. Under section 5(3)(j) of the draft Ocean Park Bylaw, a person is prohibited from using a radio, cassette recorder, compact disc player, portable television receiver or similar equipment in the Park, except when used with an earphone or headset sufficiently insulated to avoid leakage of sound.

11. A member has asked whether the Corporation has considered prohibiting the use of a mobile phone equipped with a loud speaker in the Park, as it would cause nuisance to visitors. Representatives of the Corporation have confirmed that the proposed provision as presently worded does not cover

the use of mobile phones, and the Corporation has not considered the idea of prohibiting such use in the Park. Another member has indicated that he would have strong reservations about any proposal to prohibit the use of mobile phones in the Park, as the act is very prevalent among the general public.

12. Under section 5(7)(m), a person without prior written approval of the Corporation is prohibited from delivering a public speech, public lecture or public sermon or conduct a public prayer that may interfere with the normal operation of the Park. Members consider that simply conducting a public prayer should not interfere with the normal operation of the Park. At members' suggestion, the Corporation has agreed to amend the provision by replacing "a public prayer" with "a religious assembly".

Photography in the Park

13. Under section 9 of the draft Ocean Park Bylaw, a person without authority granted in writing by the Corporation is prohibited from taking any photograph or making any video or cinematograph recording in the Park with a view to its sale, publication or public exhibition in the course of business for advantage or gain. The person shall on request by the Corporation or an attendant destroy the relevant photograph, video, cinematograph and the relevant film, video cassette, computer diskette or other similar storage medium and any copies thereof or erase any data which can be used for reproduction.

14. Members generally welcome the Corporation's proposal of adding the phrase "in the course of business for advantage or gain" to the proposed provision so that the restriction would not apply to non-profit-making social service organizations.

15. For the avoidance of doubt, a member has asked whether it is necessary to expressly prohibit the use of the photograph, video or cinematograph taken or made in the Park without authority granted in writing by the Corporation.

16. The Administration explains that if the relevant photograph, video or cinematograph is sold, published or publicly exhibited in the course of business for advantage or gain, it is clear that the taking of the photograph or the making of the video or cinematograph is covered by section 9(1) of the draft Ocean Park Bylaw. Representatives of the Corporation also confirm that the Corporation will seek civil remedy from the person concerned, if that person has used the relevant photograph, video or cinematograph for advantage or gain which were taken or made in the Park without prior permission of the Corporation.

17. Members in general are of the view that as the draft Ocean Park Bylaw is made to govern the conduct of persons in the Park for maintaining good management, the Corporation should have recourse to civil law against any

unauthorized use of the relevant photograph, video or cinematograph, instead of criminalizing such act.

Conduct of the public in car parks

18. Section 16 of the draft Ocean Park Bylaw governs the conduct of the public in car parks. Under section 16(5)(h), a person shall not interfere with the normal operation of a car park without authority granted by the Corporation. Representatives of the Corporation have suggested that as a car park may not be open to the public at night, the word “normal” should be deleted from the proposed provision so that the prohibition will cover the time outside the normal operation period of the car park.

19. Members had not raised objection to the Corporation’s suggestion. Members note that for the sake of consistency, the word “normal” will also be deleted from section 5(7)(m) relating to the delivery of a public speech, public lecture or public sermon or the conduct of a religious assembly in the Park. Members also note that the Corporation has proposed to amend the English text of section 16(1)(a) in order to ensure consistency with the Chinese text.

Retention of parking ticket

20. Under section 19(2) of the draft Ocean Park Bylaw, if a person who has parked a motor vehicle in a car park is unable to produce a parking ticket, he may not remove the motor vehicle from the car park unless and until he produces proof of his authority to remove the motor vehicle to the satisfaction of an attendant, and has paid the parking charge for a full day.

21. Some members consider that it may not be fair that the person has to pay the parking charge for a full day because he has lost the parking ticket. However, as such a matter falls outside the ambit of the Ocean Park Bylaw, members agree that it should be left to the Corporation to decide. At members’ suggestion, representatives of the Corporation have agreed to amend section 19(2)(b) to read “he has paid the relevant parking charge”.

Opening the door of a cable car

22. Section 22(5)(a) of the 2002 Ocean Park Bylaw proposed to prohibit a person from opening, closing or interfering with the door of a cable car without authority granted by the Corporation. The then Subcommittee had divided views on whether it would be necessary to include a “reasonable excuse” clause in the provision to cater for emergency situations in which a person inside the cable car needed to open the door of a cable car without the authority granted by the Corporation. The Corporation had agreed to review the proposed provision.

23. Representatives of the Corporation have informed members that after consideration, no amendment is proposed to section 22(5) because there is a defence of necessity in an emergency situation. Representatives of the Corporation explain that a person would have a defence to a criminal prosecution if -

- (a) the commission of the crime is necessary, or reasonably believed to have been necessary for the purpose of avoiding or preventing death or serious injury to himself or another (the case law of *R. v. Cairns* [1992] 2 C.A.R. 137);
- (b) that necessity is the *sine qua non* of the commission of the crime; and
- (c) the commission of the crime, viewed objectively, is reasonable and proportionate having regard to the evil to be avoided or prevented.

24. The final draft of Ocean Park Bylaw to be gazetted which has incorporated the amendments discussed in paragraphs 9, 12, 18, 19 and 21 above is in **Appendix III**.

The Subcommittee's view

25. The Subcommittee does not object to the gazettal of the draft Ocean Park Bylaw.

Advice sought

26. Members are invited to note the deliberations of the Subcommittee in paragraphs 25 above.

Council Business Division 2
Legislative Council Secretariat
29 May 2003

Subcommittee to study the draft Ocean Park Bylaw

Membership List

Chairman	Hon James TO Kun-sun
Members	Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP Hon Howard YOUNG, JP Hon CHOY So-yuk Hon Henry WU King-cheong, BBS, JP (Total : 5 Members)
Clerk	Miss Flora TAI Yin-ping
Legal Adviser	Miss Monna LAI Shun-wo
Date	19 March 2003

Summary of Proposed Amendments to Ocean Park Bylaw

OPC By Law Section No.	Details of Amendment	Reason for Amendment/(No Amendment)
2	<ul style="list-style-type: none"> “learner’s driving licence” (學習駕駛執照) has the same meaning as in regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap.374 sub. leg. B); 	<ul style="list-style-type: none"> amendment made to cope with the new style for citing subsidiary legislation.
5(3)(f)	<ul style="list-style-type: none"> “without authority granted by the Corporation, bring any food or drink (<u>except baby food</u>) into Ocean Park”; 	<ul style="list-style-type: none"> amendment made pursuant to the recommendation set out in paragraph 19 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(3)(j)	<ul style="list-style-type: none"> “use a radio, cassette recorder, compact disc player, <u>portable television receiver</u> or similar equipment in Ocean Park, except when used with an earphone or headset sufficiently insulated to avoid leakage of sound;” 	<ul style="list-style-type: none"> amendment made pursuant to the recommendation set out in paragraph 21 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(3)(k)	<ul style="list-style-type: none"> “without authority granted by the Corporation, use a television receiver (<u>except a portable television receiver used with an earphone or headset sufficiently insulated to avoid leakage of sound</u>) in Ocean Park;” 	<ul style="list-style-type: none"> amendment made pursuant to the recommendation set out in paragraph 21 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(3)(m)	<ul style="list-style-type: none"> “without authority granted by the Corporation, stray from a path provided for pedestrian use in Ocean Park <u>enter a part of Ocean Park which is designated by the Corporation by notice as a restricted area.</u>” 	<ul style="list-style-type: none"> amendment made pursuant to the recommendation set out in paragraph 23 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(3)(n)	<ul style="list-style-type: none"> “<u>without reasonable excuse</u>, put his feet on or lie down on a seat or bench in Ocean Park; or” 	<ul style="list-style-type: none"> amendment made pursuant to the recommendation set out in paragraph 17 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(5)(d)	<ul style="list-style-type: none"> “without authority granted by the Corporation, fly a kite, model aircraft, balloon <u>with a metallic coating</u> or other similar device in Ocean Park;” 	<ul style="list-style-type: none"> minor amendment initiated by the Corporation pursuant to the Subcommittee Members’ concern set out in paragraph 39 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
5(7)(d)	<ul style="list-style-type: none"> (i) add new s5(7)(d) - “<u>act in a manner likely to endanger persons or property in Ocean Park.</u>” (ii) <u>renumber the original 5(7) (d), (e), (f) & (g) to 5(7) (e), (f), (g) & (h).</u> 	<ul style="list-style-type: none"> (i) minor amendment initiated by the Corporation to maintain good management of Ocean Park. (ii) renumbering resulting from the inclusion of a new s 5(7)(d)

OPC By Law Section No.	Details of Amendment	Reason for Amendment/(No Amendment)
5(7)(h) to (m)	<ul style="list-style-type: none">(i) add new s5(7)(i) - <u>“without authority granted by the Corporation, injure or kill an animal in Ocean Park;”</u>.(ii) renumber the original <u>5(7)(h), (i), (j), (k), (l) and (m) as 5 (7) (j), (k), (l), (m), (n) & (o);</u>(iii)redraft new s5(7) (j) - <u>“ill-treat an animal in Ocean Park;”</u>(iv)redraft new s5(7) (m) - <u>“without the prior written approval of the Corporation, deliver a public speech, public lecture or public sermon or conduct a public prayer prayer assembly in Ocean Park;”</u>	<ul style="list-style-type: none">(i) minor amendment initiated by the Corporation to reflect its policy intent more accurately;(ii) renumbering resulting from the inclusion of a new s5(7)(i).(iii)same as (i);(iv)amendment made pursuant to the recommendation set out in paragraph 25 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
9(1)	<ul style="list-style-type: none">“A person shall not, without authority in writing granted by the Corporation, take any photograph or make any video or cinematograph recording in Ocean Park with a view to selling, publishing or publicly exhibiting the photograph, video or cinematograph recording (as the case may be) <u>in the course of business for advantage or gain.</u>”	amendment made pursuant to the recommendation set out in paragraph 27 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
9(2)	<p>“If a person, <u>without authority in writing granted by the Corporation,</u> takes a photograph or makes a video or cinematograph recording in Ocean Park and an attendant reasonably believes that the photograph, video or cinematograph recording (as the case may be) may have been taken or made with a view to its sale, publication or public exhibition <u>in the course of business for advantage or gain,</u> the person shall on request by the <u>Corporation or an attendant ;surrender –</u></p> <ul style="list-style-type: none">(a) <u>destroy the photograph, video or cinematograph (as the case may be) and any copies thereof; and</u>(b) <u>destroy the relevant film, video cassette, computer diskette or other similar storage medium and any copies thereof or erase any data from which the photograph, video or cinematograph may be reproduced.”</u>	amendment made pursuant to the recommendation set out in paragraph 27 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
10(3)	<ul style="list-style-type: none">delete the penalty provision in s10(3).	<ul style="list-style-type: none">minor amendment initiated by the Corporation pursuant to the Subcommittee Members’ concern set out in paragraph 39 of the Report of the Subcommittee on Ocean Park Bylaw dated 25

OPC By Law Section No.	Details of Amendment	Reason for Amendment/(No Amendment)
11(3)(b)	• “in any other case, be retained by the Corporation for a period of 3 months after the property has come into the Corporation’s possession and, if at the end of that period the property remains unclaimed, shall be deemed to become the property of the Corporation free of all other rights and encumbrances and the Corporation may dispose of the property by sale or otherwise.”	February 2003. amendment made pursuant to paragraph 40(a) of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
13(2)	• delete the penalty provision in s13(2) and renumber the original s13(3) to s13(2).	amendments made pursuant to the recommendation set out in paragraph 29 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
14(1)	• “If an attendant reasonably suspects that a person in Ocean Park has contravened any provision of this Bylaw, the attendant may, <u>on advising the person of the act or omission which constitutes the suspected contravention</u> , request that person to produce proof of his identity and his true address.”	amendment made pursuant to paragraph 40(c) of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
14(5)	• “If an attendant reasonably suspects that a person has committed an offence <u>punishable by imprisonment</u> under this Bylaw, the attendant may	amendment made pursuant to the recommendation set out in paragraph 31 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003. However, with respect to the Subcommittee’s recommendation in paragraph 32 of the Report, while it is agreed that the Bylaw and its enforcement should not be harsher than other laws or regulations, warning on first contravention will be dealt with administratively by the Corporation, and it will not be necessary to incorporate such matters into the Bylaw. Nevertheless, the Corporation’s intent is not to introduce “fine only” for first conviction. The punishment, we consider, should depend on the gravity of the offence, which could either be a fine or imprisonment. This will be a matter for the Court.
14(6)	• delete s14(6) in its entirety.	• amendment made pursuant to the recommendation set out in paragraph 32 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
16(5)(c)	• “deface or damage any motor vehicle <u>or property</u> in a car park;”	• minor amendment initiated by the Corporation to reflect its policy intent more accurately.

OPC By Law Section No.	Details of Amendment	Reason for Amendment/(No Amendment)
16(5)(h)	• “Without authority granted by the Corporation, play in a car park <u>interfere with the normal operation of a car park;</u> ”	minor amendment initiated by the Corporation pursuant to the Subcommittee Members’ concern set out in paragraph 39 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
19(2)	• amend s19(2) - “ A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1. <u>If a person is unable to produce a parking ticket under subsection (1), he may not remove a motor vehicle from a car park unless and until -</u> <u>(a) he produces proof of his authority to remove the motor vehicle to the satisfaction of an attendant; and</u> <u>(b) he has paid the parking charge for a full day.”</u> • add new s19(3) - “ <u>A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.</u> ”	minor amendment initiated by the Corporation pursuant to the Subcommittee Members’ concern set out in paragraph 39 of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.
22 (5)	• no change is needed.	No amendment to Section 22(5). In an emergency situation, there is a defence of necessity. A person will have a defence to a charge of crime if (1) the commission of the crime is necessary, or reasonably believed to have been necessary (R. v. Cairns [1992] 2 C.A.R. 137), for the purpose of avoiding or preventing death or serious injury to himself or another, (2) that necessity is the <u>sine qua non</u> of the commission of the crime and (3) the commission of the crime, viewed objectively, is reasonable and proportionate having regard to the evil to be avoided or prevented. It will not avail the defendant that he believes what he did to have been necessary to avoid the evil if, viewed objectively, it is unnecessary, or though necessary, is disproportionate.
Schedule	• “(每一普通吊船不多於 6 名乘客；每一供傷殘人士使用的吊船則不多於 4 名乘客)”	amendment made pursuant to paragraph 40(b) of the Report of the Subcommittee on Ocean Park Bylaw dated 25 February 2003.

OCEAN PARK BYLAW

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OCEAN PARK BYLAW

(Made by the Ocean Park Corporation under section 39 of the Ocean Park Corporation Ordinance (Cap. 388))

PART 1

PRELIMINARY

1. Commencement

This Bylaw shall come into operation on [date].

2. Interpretation

In this Bylaw, unless the context otherwise requires –

“Abyss Turbo Drop” (極速之旅) means the amusement ride called by that name and installed at Ocean Park which consists of 2 towers;

“alighting platform” (下車月台) means a platform designated by the Corporation by notice as a platform for alighting from a cable car;

“attendant” (服務人員) means an officer, servant or employee of the Corporation who is on duty in Ocean Park;

“attraction” (景點) means any of the facilities, exhibitions or entertainments (including amusement rides and the Ropeway) in Ocean Park, whether permanent or temporary and whether located in a building or structure or comprising a part of Ocean Park set aside for a specific purpose;

“Balloons Up-Up-And-Away” (昇空奇遇) means the amusement ride called by that name and installed at Ocean Park;

“boarding platform” (登車月台) means a platform designated by the Corporation by notice as a platform for boarding a cable car;

“cable car” (纜車) means a cable car used on the Ropeway;

“car park” (停車場) means a part of Ocean Park designated as such by the Corporation by notice at the entrance to that part;

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

“Clown-A-Round” (小丑旋風) means the amusement ride called by that name and installed at Ocean Park;

“Crazy Galleon” (沖天搖擺船) means the amusement ride called by that name and installed at Ocean Park;

“Dragon” (瘋狂過山車) means the amusement ride called by that name and installed at Ocean Park;

“driving licence” (駕駛執照) has the same meaning as in section 2 of the Road Traffic Ordinance (Cap. 374);

“Eagle” (翻天飛鷹) means the amusement ride called by that name and installed at Ocean Park;

“ensure safety or order” (確保安全或秩序) means ensure –

- (a) the health or safety of any person in Ocean Park;
- (b) the health or safety of any animal in Ocean Park;
- (c) the safety of any property in Ocean Park; or
- (d) the orderly and undisturbed enjoyment of any part of Ocean Park by any person;

“Ferris Wheel” (摩天巨輪) means the amusement ride called by that name and installed at Ocean Park;

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

“Flying Swing” (飛天鞦韆) means the amusement ride called by that name and installed at Ocean Park;

“Frog Hopper” (蛙蛙跳) means the amusement ride called by that name and installed at Ocean Park;

“Fun Train” (歡樂小火車) means the amusement ride called by that name and installed at Ocean Park;

“kiddie ride” (小童機動遊戲機) means an amusement ride designated as such by the Corporation by notice;

“learner’s driving licence” (學習駕駛執照) has the same meaning as in regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B);

“Merry-Go-Round” (幻彩旋轉馬) means the amusement ride called by that name and installed at Ocean Park;

“Mine Train” (越礦飛車) means the amusement ride called by that name and installed at Ocean Park;

“motor vehicle” (汽車) has the same meaning as in section 2 of the Road Traffic Ordinance (Cap. 374);

“Ocean Park Tower” (海洋摩天塔) means the amusement ride called by that name and installed at Ocean Park;

“platform” (月台) means a part of the Ropeway premises designated by the Corporation by notice as a place for boarding or alighting from a cable car;

“Raging River” (滑浪飛船) means the amusement ride called by that name and installed at Ocean Park;

“Ropeway” (索道) –

(a) means the cable car system connecting the parts of Ocean Park known as the Lowland and the Headland respectively; and

(b) includes all cable cars and platforms;

“Ropeway premises” (索道處所) includes all parts of Ocean Park (including any building or structure) used in connection with the Ropeway;

“Space Wheel” (太空摩天輪) means the amusement ride called by that name and installed at Ocean Park;

“Toto The Loco” (砵砵火車頭) means the amusement ride called by that name and installed at Ocean Park;

“vehicle” (車輛) has the same meaning as in section 2 of the Road Traffic Ordinance (Cap. 374);

“Whiskers’ Wild Ride” (威威至激之旅) means the attraction called by that name and located at Ocean Park and includes the amusement ride inside it.

PART 2

GENERAL

3. General admission

(1) An attendant may refuse to admit a person to Ocean Park or a part of Ocean Park if the attendant reasonably believes that the refusal is necessary to ensure safety or order.

(2) An attendant may refuse a child to enter Ocean Park if the child is not accompanied by a person who has attained 15 years of age.

(3) A person who enters or stays in Ocean Park or a part of Ocean Park after having been refused to enter by an attendant, and fails to leave Ocean Park or that part of Ocean Park (as the case may be) immediately after having been requested by an attendant to leave –

- (a) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month; and
- (b) may be removed from Ocean Park or that part of Ocean Park (as the case may be) by an attendant or a public officer authorized in that behalf by the Corporation, by force if necessary.

4. Opening and closing

(1) The Corporation may from time to time fix the times during which Ocean Park or a part of Ocean Park may be open to the public.

(2) The Corporation may restrict the number of persons having access to Ocean Park or a part of Ocean Park if the restriction is necessary to ensure safety or order.

(3) The Corporation may close any entrance to or exit from Ocean Park.

5. Conduct of public

(1) A person in Ocean Park shall comply with all notices, and all directions and requests of any attendant, posted, given or made for the purpose of ensuring safety or order.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(3) A person shall not –

(a) without authority granted by the Corporation, enter Ocean Park or an attraction –

(i) without first having paid the admission fee (if any) applicable to him; or

(ii) without first having obtained the admission ticket (if any),

from time to time required by the Corporation for admission as advertised by notice at the entrance to Ocean Park or the attraction (as the case may be);

(b) without authority granted by the Corporation, enter or remain in Ocean Park or a part of Ocean Park when it is closed to the public;

(c) spit in Ocean Park in an unhygienic manner;

(d) dispose of any litter, paper or rubbish in Ocean Park, otherwise than in the receptacles provided by the Corporation for such purposes;

- (e) except as permitted by notice to the contrary, walk, run, stand, sit or lie in Ocean Park upon any grass, flower-bed or ground in the course of preparation as a flower-bed or for the planting of trees, shrubs or other plants;
- (f) without authority granted by the Corporation, bring any food or drink (except baby food) into Ocean Park;
- (g) eat or drink in a part of Ocean Park where eating or drinking is prohibited by the Corporation by notice;
- (h) leave Ocean Park other than through an exit designated by the Corporation by notice as an exit for use by the public;
- (i) smoke or carry a lighted cigarette, cigar or pipe in a part of Ocean Park which is designated by the Corporation by notice as a non-smoking area;
- (j) use a radio, cassette recorder, compact disc player, portable television receiver or similar equipment in Ocean Park, except when used with an earphone or headset sufficiently insulated to avoid leakage of sound;
- (k) without authority granted by the Corporation, use a television receiver (except a portable television receiver used with an earphone or headset sufficiently insulated to avoid leakage of sound) in Ocean Park;
- (l) without authority granted by the Corporation, play a musical instrument in Ocean Park;
- (m) without authority granted by the Corporation, enter a part of Ocean Park which is designated by the Corporation by notice as a restricted area;
- (n) without reasonable excuse, put his feet on or lie down on a seat or bench in Ocean Park; or

- (o) fail to take his turn in the queue as directed by an attendant for an attraction (including the Ropeway and an amusement ride).

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1.

(5) A person shall not –

- (a) use obscene language, shout or conduct himself in a manner so as to cause a nuisance or annoyance to any visitor to or to any animal in Ocean Park;
- (b) behave otherwise than in an orderly manner in Ocean Park or behave in an obscene or indecent manner;
- (c) without authority granted by the Corporation, permit an animal (except a guide dog for the blind) belonging to him or in his charge, to enter or remain in Ocean Park;
- (d) without authority granted by the Corporation, fly a kite, model aircraft, balloon with a metallic coating or other similar device in Ocean Park;
- (e) play any ball game, or go, ride or move on any device or shoe fitted with wheels (other than a vehicle described in section 12(4)) in Ocean Park except in a part of Ocean Park designated by the Corporation by notice for use for such purposes;
- (f) without authority granted by the Corporation, use a loudspeaker or other public addressing equipment in Ocean Park; or
- (g) obstruct or interfere with an attendant in the lawful exercise of his duties.

(6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(7) A person shall not –

- (a) without authority granted by the Corporation, remove or interfere with any equipment, apparatus, fitting or facility in Ocean Park;
- (b) without authority granted by the Corporation, climb a perimeter wall, fence, post, barrier or other structure enclosing Ocean Park or a part of Ocean Park;
- (c) bath in, paddle, wade, wash in or pollute an aquarium, tank, pond, trough, fountain, pool, stream or river in Ocean Park;
- (d) act in a manner likely to endanger persons or property in Ocean Park;
- (e) without authority granted by the Corporation, remove, interfere with, damage or injure any flora in Ocean Park or climb any tree in Ocean Park;
- (f) without authority granted by the Corporation, feed, touch or interfere with an animal in Ocean Park;
- (g) when feeding or touching an animal in Ocean Park with authority granted by the Corporation, fail to comply with the direction of an attendant given in respect of such feeding or touching;
- (h) without authority granted by the Corporation, remove an animal from Ocean Park (except where a person removes a guide dog for the blind belonging to him or in his charge);
- (i) without authority granted by the Corporation, injure or kill an animal in Ocean Park;
- (j) ill-treat an animal in Ocean Park;
- (k) without authority granted by the Corporation, light any fire, barbecue or otherwise cook food in Ocean Park;
- (l) deface or damage any part of Ocean Park or any property of the Corporation in Ocean Park;

- (m) in Ocean Park, without the prior written approval of the Corporation, deliver a public speech, public lecture or public sermon or conduct a religious assembly that may interfere with the operation of Ocean Park;
- (n) without the prior written approval of the Corporation, conduct or enter into any public discussion or public debate, or conduct or take part in any public meeting or public procession in Ocean Park; or
- (o) gamble in Ocean Park.

(8) A person who contravenes subsection (7) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

6. Children

(1) A person who has attained the age of 15 accompanying a child in Ocean Park shall –

- (a) use his best endeavour to prevent the child from contravening any provision of this Bylaw;
- (b) use his best endeavour to prevent the child from behaving in Ocean Park in a manner likely to endanger persons or property; and
- (c) be responsible for the custody or care of the child in Ocean Park.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

7. Hawkers and bill posters

(1) A person shall not, without authority in writing granted by the Corporation, hawk, offer for sale or sell any article or service in Ocean Park.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

(3) A person shall not, without authority in writing granted by the Corporation, post any bill, placard or notice in Ocean Park.

(4) A person shall not, without authority in writing granted by the Corporation, distribute in Ocean Park any book, pamphlet or other printed matter or any sample of goods.

(5) A person who contravenes subsection (3) or (4) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

8. Firearms, offensive weapons and dangerous goods

(1) A person shall not, except with lawful authority, bring into Ocean Park or have in his possession in Ocean Park any firearm, ammunition or offensive weapon of any description.

(2) A person shall not, except with lawful authority, throw a stone or missile or discharge a gun, air gun, bow and arrow, catapult or other similar device in Ocean Park.

(3) A person shall not, except with lawful authority, bring into Ocean Park or have in his possession in Ocean Park any dangerous goods as defined in section 2 of the Dangerous Goods Ordinance (Cap. 295).

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

9. Photography

(1) A person shall not, without authority in writing granted by the Corporation, take any photograph or make any video or cinematograph recording in Ocean Park with a view to selling, publishing or publicly exhibiting the photograph, video or cinematograph recording (as the case may be) in the course of business for advantage or gain.

(2) If a person, without authority in writing granted by the Corporation, takes a photograph or makes a video or cinematograph recording in Ocean Park with a view to its sale, publication or public exhibition in the course of business for advantage or gain, the person shall on request by the Corporation or an attendant –

- (a) destroy the photograph, video or cinematograph (as the case may be) and any copies thereof; and
- (b) destroy the relevant film, video cassette, computer diskette or other similar storage medium and any copies thereof or erase any data from which the photograph, video or cinematograph may be reproduced.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(4) A person in Ocean Park shall observe and comply with a restriction imposed on the use of any flash-light or bright light in a part of Ocean Park designated by the Corporation by notice as being subject to such a restriction.

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine at level 1.

10. Tickets

(1) A person who has attained the age of 12 and has been issued with a ticket for entering Ocean Park shall retain the ticket whilst in Ocean Park and shall on request by an attendant produce the ticket.

(2) If a child has been issued with a ticket for entering Ocean Park, the person who is responsible for the custody or care of the child shall retain the ticket whilst in Ocean Park and shall on request by an attendant produce the ticket.

11. Lost property

(1) A person who comes into possession of any property in Ocean Park that appears to have been lost or misplaced by another person shall as soon as practicable hand over the property to an attendant or a police officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(3) Any lost property which comes into the Corporation's possession shall –

(a) in the case of perishable, noxious or otherwise offensive goods or articles, be disposed of by the Corporation by sale or otherwise as soon as practicable after they have come into its possession; or

(b) in any other case, be retained by the Corporation for a period of 3 months after the property has come into the Corporation's possession and, if at the end of that period the property remains unclaimed, shall be deemed to become the property of the Corporation free of all rights and encumbrances and the Corporation may dispose of the property by sale or otherwise.

(4) If within a period of 12 months of any sale or disposal by the Corporation under subsection (3)(a) or (b), the former owner or the person formerly entitled to the beneficial ownership of the property proves his ownership to the satisfaction of the Corporation, he shall be paid, subject to his providing the Corporation with an indemnity in such form as the Corporation may reasonably require, the proceeds of sale (if any) less all expenses of and incidental to such sale or disposal and, in the case of a motor vehicle, the cost of publishing a notice in accordance with section 21(4)(b) (if any) incurred by the Corporation.

(5) Save as provided in subsection (4), the Corporation shall incur no liability to any person in respect of any lost property as bailees or otherwise.

12. Prohibition of vehicles

(1) A person shall not, without authority granted by the Corporation, drive, bring or cause to be brought a motor vehicle into a part of Ocean Park other than a car park.

(2) A person shall not, without authority granted by the Corporation, drive, bring or cause to be brought a vehicle other than a motor vehicle into Ocean Park.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(4) Subsection (2) shall not apply to a wheel-chair, perambulator, chair or sedan which is propelled, drawn or carried by hand or propelled by battery and used solely for the conveyance of a child or an invalid or disabled person.

(5) The person in charge of a vehicle described in subsection (4) –

(a) shall not cause the vehicle to move in Ocean Park in a manner likely to endanger persons or property;

(b) shall comply with any speed restrictions imposed by an attendant; and

(c) shall not wheel or station the vehicle over –

(i) any flower-bed, shrub, plant or any ground in the course of preparation as a flower-bed or for the planting of any trees, shrubs or plants; or

(ii) a part of Ocean Park where such wheeling or stationing is prohibited by a notice.

(6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

13. Age

(1) If an attendant reasonably suspects a person in Ocean Park does not meet the age requirement under any provision of this Bylaw, the attendant may request the person to produce proof of his age.

(2) In the absence of proof of age of any person, the age of that person as determined by the attendant concerned in his absolute discretion shall be that person's age for the purposes of this Bylaw.

14. Contravention and enforcement

(1) If an attendant reasonably suspects that a person in Ocean Park has contravened any provision of this Bylaw, the attendant may, on advising the person of the act or omission which constitutes the suspected contravention, request that person to produce proof of his identity and his true address.

(2) A person who fails to produce proof of his identity and his true address under subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(3) If –

- (a) an attendant reasonably suspects that a person in Ocean Park has contravened any provision of this Bylaw; or
- (b) a person in Ocean Park does not comply with the direction of an attendant or the direction in a notice posted by the Corporation,

the attendant may request that person to leave Ocean Park or a part of Ocean Park.

(4) A person who fails to leave Ocean Park or a part of Ocean Park (as the case may be) at a request under subsection (3) –

- (a) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month; and
- (b) may be removed from Ocean Park or that part of Ocean Park (as the case may be) by an attendant or a public

officer authorized in that behalf by the Corporation, by force if necessary.

- (5) If an attendant reasonably suspects that a person has committed an offence punishable by imprisonment under this Bylaw, the attendant may –
- (a) detain the person until the person is delivered into the custody of a police officer to be dealt with according to law; or
 - (b) require the person to accompany him either to the office of the Corporation or to a police station.

PART 3

CAR PARKS

15. Use of car parks

(1) A person shall not park a motor vehicle in an area of a car park designated by the Corporation by notice for the parking of a particular class of motor vehicle to which the motor vehicle does not belong.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(3) The driver of a motor vehicle plying for hire shall not drive the motor vehicle into a car park unless the motor vehicle –

- (a) has been hired to take a visitor to Ocean Park; and
- (b) is parked for the purposes of waiting for taking that visitor away from Ocean Park.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

16. Conduct of public

(1) Except with authority granted by the Corporation, a person shall not –

- (a) where the relevant parking charge is payable prior to the admission of a motor vehicle to a car park, drive a motor vehicle into the car park without first having paid the parking charge as specified by the Corporation from time to time by notice at the entrance to the car park;
 - (b) where the relevant parking charge is payable at the time a motor vehicle leaves a car park, drive a motor vehicle out of the car park without –
 - (i) having obtained a parking ticket at the time of entering the car park; and
 - (ii) having paid the parking charge as specified by the Corporation from time to time by notice at the entrance to the car park;
 - (c) park a motor vehicle in a car park in such a manner that the motor vehicle unnecessarily projects over any line or other mark that delineates the parking space in which the motor vehicle is parked; or
 - (d) wash or cause to be washed a motor vehicle in a car park.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (3) A person shall not park a motor vehicle contrary to the direction of an attendant.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.
- (5) A person shall not –
- (a) drive a motor vehicle into or out of a car park other than through an entrance or exit designated as such by the Corporation by notice at such an entrance or exit;
 - (b) without authority granted by the Corporation, drive a motor vehicle into a car park or leave a motor vehicle

- parked in a car park at any time when the car park has been designated by the Corporation by notice at the entrance to the car park as being closed to the public;
- (c) deface or damage any motor vehicle or property in a car park;
 - (d) without authority granted by the Corporation, drive in a car park otherwise than in accordance with the directional signs and indications exhibited by the Corporation for the direction or regulation of traffic;
 - (e) without authority granted by the Corporation, park a motor vehicle otherwise than in a space designated as a parking space in a car park;
 - (f) park a motor vehicle or cause a motor vehicle to wait in a circulation lane in a car park, or in such a manner as may cause an obstruction to circulating motor vehicles;
 - (g) obstruct an entrance to or exit from a car park or remain stationary at an exit or elsewhere in a car park for a period longer than is necessary to obtain a parking ticket or pay a parking charge, unless directed to remain stationary by an attendant;
 - (h) without authority granted by the Corporation, interfere with the operation of a car park;
 - (i) drive or bring into a car park a motor vehicle from which oil is freely escaping;
 - (j) without authority granted by the Corporation, permit a motor vehicle belonging to him or in his charge, which cannot move away from a car park under its own power, to remain in the car park for a period longer than is reasonably necessary to enable its removal;

- (k) having caused any damage to a motor vehicle or object in a car park or any injury to a person in a car park, leave the car park without reporting the damage or injury to an attendant;
- (l) make any repairs to or permit any repairs to be made to a motor vehicle in a car park other than minor repairs as are necessary to enable the motor vehicle to move away from the car park under its own power;
- (m) activate the audible warning device of a motor vehicle in a car park without reasonable justification; or
- (n) drive in a car park in a manner likely to endanger persons or property.

(6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

17. Driving licence

(1) A person shall not drive a motor vehicle into or in a car park unless he is the holder of a valid driving licence, other than a learner's driving licence, of the class to which the motor vehicle belongs.

(2) The owner of or a person in charge of a motor vehicle shall not permit another person to drive the motor vehicle into or in a car park unless that other person is the holder of a valid driving licence, other than a learner's driving licence, of the class to which the motor vehicle belongs.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

18. Refusal of admittance

(1) An attendant may refuse any motor vehicle to enter or remain in a car park at any time if the refusal is necessary to ensure safety or order.

- (2) A person who –
- (a) drives or brings a motor vehicle into a car park after the motor vehicle has been refused to enter by an attendant; or
 - (b) fails to drive or bring the motor vehicle out of the car park immediately after having been requested by an attendant to do so,

commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

19. Retention of parking ticket

(1) A person who has parked a motor vehicle in a car park and who has received a parking ticket as evidence to prove –

- (a) the payment of the relevant parking charge; or
- (b) the time of entry to the car park,

shall retain the ticket whilst in Ocean Park and shall produce the ticket when required by an attendant.

(2) If a person is unable to produce a parking ticket under subsection (1), he may not remove a motor vehicle from a car park unless and until –

- (a) he produces proof of his authority to remove the motor vehicle to the satisfaction of an attendant; and
- (b) he has paid the relevant parking charge.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

20. Supplying particulars

(1) A person using a car park shall on demand supply an attendant with his name, true address and the particulars recorded on his driving licence, identity card or document of identity.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

21. Removal of motor vehicles

(1) If section 15(1) or (3), 16(1)(a) or (c), (3) or (5)(b), (e), (f), (g), (i) or (j) or 18(2) is contravened or a motor vehicle is parked in a part of Ocean Park other than a car park –

- (a) the Corporation or its agent may remove the relevant motor vehicle from where it is parked and shall be under no liability to the owner, hirer or other user of the motor vehicle for any damage caused to the motor vehicle in the process of or consequential upon the removal; or
- (b) in the case of contravention of section 16(1)(a) or (5)(b) or (j), the Corporation may permit the motor vehicle to park or park after the expiry of the permitted duration but impose additional parking charges in respect of such parking or excess parking at a scale of fees determined by the Corporation.

(2) A motor vehicle removed under subsection (1)(a) may be detained by the Corporation until there is paid to the Corporation –

- (a) all overdue parking charges (if any);
- (b) either of the following –
 - (i) the cost incurred by the Corporation if a contractor is engaged to remove the motor vehicle; or
 - (ii) the sum of \$2,000 if the motor vehicle is removed by an employee or servant of the Corporation; and
- (c) the cost of publishing a notice in accordance with subsection (4)(b) (if any) incurred by the Corporation.

(3) The owner of the motor vehicle concerned, if in default of payment under subsection (2), commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(4) If a motor vehicle detained under subsection (2) is not claimed within 3 days after its detention, the Corporation shall –

- (a) serve by post on the registered owner of the motor vehicle a notice informing him –
 - (i) of the detention of the motor vehicle and the place of detention; and
 - (ii) that unless the motor vehicle is removed from the place of detention, on payment of any charges and costs payable under subsection (2), within 25 days after the service of the notice on him, the motor vehicle –
 - (A) shall be deemed to be lost property from the date the motor vehicle comes into the Corporation's possession; and
 - (B) may be disposed of in the manner prescribed in section 11(3), (4) and (5); and
- (b) if the motor vehicle is not removed in accordance with the notice within 7 days after the service of the notice, publish, or cause to be published, not later than 14 days after such service, that notice once each in an English language newspaper and a Chinese language newspaper published daily and circulating generally in Hong Kong.

(5) If a motor vehicle is not removed in accordance with a notice served and published under subsection (4), the motor vehicle –

- (a) shall be deemed to be lost property from the date the motor vehicle comes into the Corporation's possession; and
- (b) may be disposed of in the manner prescribed in section 11(3), (4) and (5).

PART 4
ROPEWAY

22. Conduct of public

- (1) A person shall not –
 - (a) without authority granted by the Corporation, embark on or travel by the Ropeway without having first paid the admission fee (if any) specified by the Corporation; or
 - (b) spit in an unhygienic manner or smoke on the Ropeway premises or a cable car, or spit from a cable car.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (3) A person shall not –
 - (a) without authority granted by the Corporation, enter a part of the Ropeway premises that is designated by the Corporation by notice or other directions as being closed or prohibited from access by the public;
 - (b) board a cable car other than at a boarding platform or other than from the side of the cable car adjacent to the platform;
 - (c) alight from a cable car other than at an alighting platform or other than from the side of the cable car adjacent to the platform;
 - (d) after a single journey on a cable car, fail to alight from the cable car when it arrives at an alighting platform;
 - (e) climb over any barrier or gate erected on the Ropeway premises;
 - (f) obstruct the approaches to a platform or impede or hamper the movements of persons on a platform;

- (g) take any item on the Ropeway that is of a size or nature which in the opinion of an attendant may cause annoyance or inconvenience to other passengers; or
 - (h) fail to comply with the reasonable direction of an attendant to occupy a seat in a cable car.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.
- (5) A person shall not –
- (a) without authority granted by the Corporation, open, close or interfere with the door of a cable car;
 - (b) throw or discharge any object from a cable car;
 - (c) stretch any part of his body out of a cable car;
 - (d) cause a cable car to rock or sway or generally interfere with the efficient running or safety of the Ropeway;
 - (e) whilst aboard a cable car, fail to remain seated except –
 - (i) when boarding or alighting from the cable car; or
 - (ii) under the direction of an attendant if a cable car becomes disabled, damaged or unable to proceed;
 - (f) obstruct an entrance to the Ropeway or impede or hamper the movement of a cable car; or
 - (g) cut, soil or damage the seating accommodation or any other part of a cable car, or remove or deface any notice in or on a cable car or otherwise damage a cable car.
- (6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

23. Children on Ropeway

- (1) A child shall not embark on or travel by the Ropeway unless he is accompanied by a person who has attained the age of 15.

(2) The person accompanying a child on the Ropeway shall use his best endeavour to prevent the child from behaving on the Ropeway in a manner likely to endanger persons or property.

(3) A person accompanying a child under 3 years of age on the Ropeway shall hold the child whilst the child is on a platform or boarding or alighting from a cable car.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

24. Restriction on number of passengers

(1) The maximum capacity of a cable car is 6 passengers.

(2) No person shall board a cable car if every seat in the cable car is occupied.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

PART 5

AMUSEMENT RIDES

Division 1 – General provisions

25. Application of Part 5

(1) The provisions of this Part only apply to an attraction or amusement ride specified in column 1 of the Schedule, subject to the provisions of Division 2 of this Part.

(2) In this Part and the Schedule, unless the context otherwise requires –

“amusement ride” (機動遊戲機) includes an amusement ride in an attraction;

“passenger” (乘客) means a passenger on an amusement ride;

“spectator” (觀眾) means a spectator in an attraction.

26. Restriction on number of spectators or passengers

(1) The maximum capacity of an attraction or amusement ride mentioned in column 1 of the Schedule is the number of spectators or passengers (as the case may be) specified opposite to it in column 2 of that Schedule.

(2) A person shall not –

(a) in the case of an attraction, enter the attraction if the number of spectators inside the attraction has reached the maximum capacity; or

(b) in the case of an amusement ride, mount the amusement ride if the number of passengers on the amusement ride has reached the maximum capacity.

(3) A person shall comply with the direction of an attendant –

(a) in the case of an attraction, not to enter, not to leave or to leave an attraction; or

(b) in the case of an amusement ride, not to mount, not to dismount from or to dismount from an amusement ride.

(4) A person shall comply with the direction of an attendant to leave the immediate vicinity of an attraction or amusement ride.

(5) A person who contravenes subsection (2), (3) or (4) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

27. Absolute restrictions

(1) This section is subject to the provisions of Division 2 of this Part.

(2) An attendant may refuse a person to enter or remain in an attraction or mount or remain on an amusement ride if the attendant reasonably

believes that the refusal is necessary to ensure safety or order or the safe operation of the attraction or amusement ride (as the case may be).

- (3) A person who –
 - (a) enters or remains in an attraction, or mounts or remains on an amusement ride, after having been refused to enter or mount (as the case may be) by an attendant; and
 - (b) fails to leave the attraction or dismount from the amusement ride (as the case may be) immediately after having been requested by an attendant to leave or dismount (as the case may be),

commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

- (4) A person shall not, where applicable –
 - (a) ride an amusement ride in the Whiskers' Wild Ride if his height is less than the height specified opposite to the Whiskers' Wild Ride in column 3 of the Schedule; or
 - (b) ride an amusement ride mentioned in column 1 of the Schedule if his height is less than the height specified opposite to that amusement ride in column 3 of that Schedule,

and the person responsible for the custody or care of a child shall use his best endeavour to prevent the child from riding an amusement ride if the child's height is less than the height so specified.

(5) A pregnant woman shall not enter an attraction or ride an amusement ride.

(6) A passenger shall not stretch any part of his body out of an amusement ride except when mounting or dismounting from the amusement ride.

(7) A spectator or passenger shall not bring any food or drink aboard an amusement ride.

(8) Whilst aboard an amusement ride, a spectator or passenger shall not stand up except when mounting or dismounting from the amusement ride.

(9) A person shall, before mounting or whilst aboard an amusement ride, comply with the direction of an attendant to remove sandals, slippers, spectacles, hats, bags, umbrellas or other objects that in the opinion of the attendant is likely to endanger persons or property.

(10) A person shall not damage, tamper or interfere with the safety device (including a gate) or any other part of an attraction or amusement ride.

(11) A person shall comply with the direction of an attendant as to where to sit on an amusement ride or in a gondola or compartment (if any) of an amusement ride.

(12) A person shall comply with the direction of an attendant to fill up the capacity of an attraction or amusement ride or a gondola or compartment (if any) of an amusement ride.

(13) A person shall not eat or drink in an attraction or on an amusement ride.

(14) A person shall not spit in an unhygienic manner, smoke, or dispose of any litter in or in the vicinity of an attraction or on or in the vicinity of an amusement ride.

(15) A person who contravenes subsection (4), (5), (6), (7), (8), (9), (10), (11) or (12) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

(16) A person who contravenes subsection (13) or (14) commits an offence and is liable on conviction to a fine at level 1.

28. Suitability to ride

- (1) A person –
- (a) in a state of intoxication;

- (b) with a known history of heart complaints, high blood pressure, neck or back problems, spinal problems or other precarious health conditions; or
- (c) in any other condition,

which may render or be likely to render him not suitable to ride an amusement ride or incapable of taking care of himself or persons under his custody or care shall not ride an amusement ride.

(2) A person who is in any doubt as to his suitability to ride an amusement ride shall consult an attendant.

Division 2 – Additional provisions

29. Abyss Turbo Drop

(1) A passenger shall keep the safety belt provided for his seat fastened and keep the over-the-shoulder restraint provided for his seat locked at all times whilst aboard the Abyss Turbo Drop except when mounting or dismounting from the Abyss Turbo Drop.

(2) A person with a known history of vertigo due to dropping from a height or diseases of the respiratory system which may render or be likely to render him not suitable to ride an amusement ride or incapable of taking care of himself or persons under his custody or care shall not ride the Abyss Turbo Drop.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

30. Balloons Up-Up-And-Away

(1) A person whose height is less than 90 cm shall not ride the Balloons Up-Up-And-Away without being accompanied by another person who has attained the age of 15 and is of 90 cm or above in height.

(2) A person who is responsible for the custody or care of a child under 1 year of age shall use his best endeavour to prevent the child from riding the Balloons Up-Up-And-Away.

(3) A person who is responsible for the custody or care of a child whose height is less than 90 cm shall use his best endeavour to prevent the child from riding the Balloons Up-Up-And-Away without being accompanied by a person who has attained the age of 15 and is of 90 cm or above in height.

(4) A passenger shall keep the safety belt provided for his seat fastened at all times whilst aboard the Balloons Up-Up-And-Away except when mounting or dismounting from the Balloons Up-Up-And-Away.

(5) Section 27(4) does not apply to the Balloons Up-Up-And-Away.

(6) A person who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

31. Clown-A-Round

(1) A person who has attained the age of 12 years shall not ride the Clown-A-Round.

(2) A person who is responsible for the custody or care of a child shall use his best endeavour to prevent the child from riding the Clown-A-Round if the child is –

- (a) under 2 years of age; or
- (b) more than 152.5 cm in height.

(3) A passenger shall keep the safety bar provided for his seat locked at all times whilst aboard the Clown-A-Round except when mounting or dismounting from the Clown-A-Round.

(4) Section 27(4) does not apply to the Clown-A-Round.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

32. Crazy Galleon

(1) A passenger shall keep the safety bar provided for his seat locked at all times whilst aboard the Crazy Galleon except when mounting or dismounting from the Crazy Galleon.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

33. Dragon

(1) A passenger shall keep the over-the-shoulder restraint provided for his seat locked at all times whilst aboard the Dragon except when mounting or dismounting from the Dragon.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

34. Ferris Wheel

(1) A person whose height is less than 122 cm shall not ride the Ferris Wheel without being accompanied by another person who has attained the age of 15 and is of 122 cm or above in height.

(2) A person who is responsible for the custody or care of a child under 1 year of age shall use his best endeavour to prevent the child from riding the Ferris Wheel.

(3) A person who is responsible for the custody or care of a child whose height is less than 122 cm shall use his best endeavour to prevent the child from riding the Ferris Wheel without being accompanied by a person who has attained the age of 15 and is of 122 cm or above in height.

(4) Section 27(4) does not apply to the Ferris Wheel.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

35. Flying Swing

(1) A passenger shall keep the safety belt provided for his seat fastened and keep the safety bar provided for his seat locked at all times whilst aboard the Flying Swing except when mounting or dismounting from the Flying Swing.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

36. Frog Hopper

(1) A person shall not mount the Frog Hopper if the total weight of the passengers already on the Frog Hopper together with the weight of that person exceeds 317 kg.

(2) A passenger shall keep the safety bar provided for his seat locked at all times whilst aboard the Frog Hopper except when mounting or dismounting from the Frog Hopper.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

37. Fun Train

(1) A person whose height is less than 107 cm shall not ride the Fun Train without being accompanied by another person who has attained the age of 15 and is of 107 cm or above in height.

(2) A person who is responsible for the custody or care of a child whose height is less than 107 cm shall use his best endeavour to prevent the child from riding the Fun Train without being accompanied by a person who has attained the age of 15 and is of 107 cm or above in height.

(3) A passenger shall not mount or dismount from the Fun Train until instructed to do so by an attendant.

(4) Section 27(4) and (5) does not apply to the Fun Train.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

38. Kiddie ride

(1) A person who has attained 12 years of age or whose weight exceeds 100 kg shall not ride a kiddie ride.

(2) A person who is responsible for the custody or care of a child shall use his best endeavour to prevent the child from riding a kiddie ride in a manner likely to endanger persons or property.

(3) Section 27(4) does not apply to a kiddie ride.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

39. Merry-Go-Round

(1) A person whose height is less than 107 cm shall not ride a horse on the Merry-Go-Round without being accompanied by a standing person who has attained the age of 15 and is of 107 cm or above in height.

(2) A person whose height is less than 107 cm shall not ride a Chariot (as called by the Corporation) on the Merry-Go-Round without being accompanied by another person who has attained the age of 15 and is of 107 cm or above in height.

(3) A person who is responsible for the custody or care of a child under 1 year of age shall use his best endeavour to prevent the child from riding a horse on the Merry-Go-Round.

(4) A person who is responsible for the custody or care of a child whose height is less than 107 cm shall use his best endeavour to prevent the child from riding a horse on the Merry-Go-Round without being accompanied

by a standing person who has attained the age of 15 and is of 107 cm or above in height.

(5) A person who is responsible for the custody or care of a child whose height is less than 107 cm shall use his best endeavour to prevent the child from riding a Chariot (as called by the Corporation) on the Merry-Go-Round without being accompanied by a person who has attained the age of 15 and is of 107 cm or above in height.

(6) Section 27(4) does not apply to the Merry-Go-Round.

(7) Section 27(8) does not apply to a standing person described in subsection (1) or (4).

(8) A person who contravenes subsection (1), (2), (3), (4) or (5) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

40. Mine Train

(1) A passenger shall keep the safety belt provided for his seat fastened and keep the safety bar provided for his seat locked at all times whilst aboard the Mine Train except when mounting or dismounting from the Mine Train.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

41. Ocean Park Tower

(1) A person whose height is less than 122 cm shall not ride the Ocean Park Tower without being accompanied by another person who has attained the age of 15 and is of 122 cm or above in height.

(2) A person who is responsible for the custody or care of a child whose height is less than 122 cm shall use his best endeavour to prevent the child from riding the Ocean Park Tower without being accompanied by a person who has attained the age of 15 and is of 122 cm or above in height.

- (3) A person shall not lean on the window of the Ocean Park Tower.
- (4) Section 27(4) does not apply to the Ocean Park Tower.
- (5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

42. Raging River

(1) A person whose height is less than 122 cm shall not ride the Raging River without being accompanied by another person who has attained the age of 15 and is of 122 cm or above in height.

(2) A person who is responsible for the custody or care of a child under 3 years of age shall use his best endeavour to prevent the child from riding the Raging River.

(3) A person who is responsible for the custody or care of a child whose height is less than 122 cm shall use his best endeavour to prevent the child from riding the Raging River without being accompanied by a person who has attained the age of 15 and is of 122 cm or above in height.

(4) Section 27(4) does not apply to the Raging River.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

43. Toto The Loco

(1) A person whose height is less than 90 cm shall not ride the Toto The Loco without being accompanied by another person who has attained the age of 15 and is of 90 cm or above in height.

(2) A person who is responsible for the custody or care of a child whose height is less than 90 cm shall use his best endeavour to prevent the child from riding the Toto The Loco without being accompanied by a person who has attained the age of 15 and is of 90 cm or above in height.

(3) A passenger shall not mount or dismount from the Toto The Loco until instructed to do so by an attendant.

(4) Section 27(4) and (5) does not apply to the Toto The Loco.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

44. Whiskers' Wild Ride

(1) A person shall not take a flash photograph, or use any video or audio recording equipment, in the Whiskers' Wild Ride.

(2) A spectator shall keep the safety belt provided for his seat fastened at all times whilst aboard the amusement ride in the Whiskers' Wild Ride except when mounting or dismounting from the amusement ride.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 3 months.

SCHEDULE

[ss. 25, 26(1)
& 27(4)]

MAXIMUM CAPACITY AND MINIMUM HEIGHT

Column 1	Column 2	Column 3
Attraction or amusement ride	Maximum capacity	Minimum height of spectator or passenger
Abyss Turbo Drop	12 passengers on each tower	132 cm
Balloons Up-Up-And-Away	40 passengers (not more than 5 in each gondola)	Not applicable

Clown-A-Round	12 passengers (not more than 2 in each gondola)	Not applicable
Crazy Galleon	54 passengers (not more than 6 in each row)	122 cm
Dragon	28 passengers (not more than 4 in each compartment)	132 cm
Eagle	56 passengers (not more than 2 in each gondola)	122 cm
Ferris Wheel	106 passengers (not more than 6 in each normal gondola and not more than 4 in each gondola for disabled persons)	Not applicable
Flying Swing	32 passengers	122 cm
Frog Hopper	7 passengers	90 cm
Fun Train	24 passengers of 12 years of age or above; or 32 passengers (of which the number of passengers of 12 years of age or above being not more than 23)	Not applicable
Kiddie ride(s)	The number of passenger(s) as specified on the notice posted by the Corporation on the relevant kiddie ride	Not applicable
Merry-Go-Round	38 passengers (not more than 1 on each horse and not more than 4 in each Chariot)	Not applicable
Mine Train	26 passengers (not more than 4 in each compartment)	122 cm
Ocean Park Tower	72 passengers	Not applicable
Raging River	4 passengers in a boat	Not applicable
Space Wheel	40 passengers (not more than 2 in each gondola)	122 cm

Toto The Loco	6 passengers under 12 years of age in each locomotive; or 4 passengers in each locomotive (of which the number of passengers of 12 years of age or above being not more than 2)	Not applicable
Whiskers' Wild Ride	100 spectators	107 cm

Sealed with the Common Seal of the
Ocean Park Corporation on the
day of 2003
in the presence of –

Explanatory Note

This Bylaw provides for the management, control, operation and use of Ocean Park in order to preserve good order and discipline and prevent nuisances, and provides for related matters.

2. Part 1 contains definitions of terms and expressions used in this Bylaw.
3. Part 2 contains provisions that apply to Ocean Park generally.
4. Part 3 contains provisions relating to car parks.
5. Part 4 contains provisions relating to the Ropeway.
6. Part 5 contains provisions relating to amusement rides.