

GOVERNMENT NOTIFICATION.—No. 312.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the KING, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 9 of 1902.—An Ordinance to amend the scope of The Tramways Ordinance, 1883, (No. 6 of 1883), and The Tramways Ordinance Amendment Ordinance, 1883, (No. 18 of 1883).

Ordinance No. 10 of 1902.—An Ordinance for authorizing the construction of a Tramway within the Colony of Hongkong.

Government Notification No. 302 of the 14th May, 1902, is hereby cancelled.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 22nd May, 1902.

No. 9 OF 1902.

An Ordinance to amend the scope of The Tramways Ordinance, 1883, (No. 6 of 1883), and the Tramways Ordinance Amendment Ordinance, 1883, (No. 18 of 1883.)



W. J. GASCOIGNE,
Officer Administering the Government.

[14th May, 1902.]

WHEREAS the survivors of the original promoters named in section 3 of The Tramways Ordinance, 1883, have agreed to surrender for valuable consideration all their rights (if any) under the said Ordinance, so far as Tramway No. 1, Tramway No. 2, Tramway No. 3, Tramway No. 4, and Tramway No. 5, which are mentioned in the said Ordinance, are concerned; And whereas a Company is now desirous of constructing Tramways in this Colony which would conflict with the line of route of the aforesaid Tramways; And whereas it is accordingly desirable that all the provisions of the said Ordinance so far as regards the aforesaid Tramways should be repealed:

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title and construction.

1. This Ordinance may be cited as The Tramways Ordinance Amendment Ordinance, 1902, and shall be read and construed as one Ordinance with Ordinance No. 6 of 1883, as amended by Ordinance No. 18 of 1883.

Repeal of provisions of 6 of 1883 and 18 of 1883 so far as regards Tramways 1 to 5.

2. All the provisions of Ordinance No. 6 of 1883 and of Ordinance No. 18 of 1883 shall, so far as such provisions relate to Tramway No. 1, Tramway No. 2, Tramway No. 3, Tramway No. 4, and Tramway No. 5, which are in the said Ordinance No. 6 of 1883 mentioned, be, and the same are hereby, repealed.

Passed the Legislative Council of Hongkong, this 30th day of April, 1902.

R. F. JOHNSTON,
Acting Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 14th day of May, 1902.

A. M. THOMSON,
Acting Colonial Secretary.

No. 10 OF 1902.

An Ordinance for authorizing the Construction
of a Tramway within the Colony of Hongkong.

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W. J. GASCOIGNE,
Officer Administering the Government.

[14th May, 1902.]

WHEREAS it is desirable to authorize the construction of a tramway within the Colony of Hongkong: Preamble.

Be it therefore enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Tramway Ordinance, 1901. Short title.

2. The terms hereinafter mentioned shall have the meanings assigned to them, unless there be something either in the subject or context repugnant to such construction, that is to say:— Interpretation.

The expression "the Government" shall mean the Governor acting on behalf of His Majesty, His successors, or assigns, or on behalf of the Government of the said Colony: Government.

The expression "Department" shall include the following bodies, namely:— Department.

(a.) The War Department.

(b.) The Admiralty.

(c.) The Hongkong Government.

The expression "the Company" shall mean "The Hongkong Tramway Electric Company, Limited": The Company.

The expression "the Court" shall mean the Supreme Court of the Colony of Hongkong: The Court.

The expression "Judge" shall mean one of the Judges of the Court: Judge.

The expression "Magistrate" shall mean a Police Magistrate: Magistrate.

The expression "special case" shall mean a special case stated for the opinion of the Court under the provisions of any Ordinance relating to Civil Procedure for the time being in force in this Colony: Special case.

The expression "road" or "roads" shall mean any roadway over which the tramway authorized by this Ordinance shall pass, and the roadway of any bridge forming part of or leading to the same: Road.

The expression "Section" or "Sections" shall mean a section or sections (as the same is and are hereinafter described) of the tramway: Section.

The expression "car" or "cars" shall include all cars and trucks used upon the tramway: Car.

The expression "the works" or "the undertaking" shall mean the works or undertaking of whatever nature which shall by this Ordinance be authorized to be executed. The works.

Construction of Tramway.

Construction
and route of
tramway.

3. The Company may construct, lay down and maintain, subject to the provisions of this Ordinance, and in accordance with the plans which have been deposited as hereinafter mentioned, the tramway hereinafter described, with all proper electric generating stations, cross-ings, passing-places, sidings, junctions, rails, turn-tables, plates, offices, weigh-bridges, sheds, overhead and other wires, cables, standards, poles and brackets, pipes and all such other works and conveniences in connection therewith as the Company may for the purposes thereof, think fit, and may work and use the same. The Company may also generate and use electricity for the purposes of lighting their own buildings, erections premises and for any other purposes of their own.

The Tramway authorized by this Ordinance is as follows:—

Section No. 1.—A Single line 2 furlongs 9.12 chains (or thereabouts) in length, commencing at a point in Chater Street 50 feet (or thereabouts) east of the intersection of the centre lines of Chater Street and Smithfield, thence passing into and, in a southerly direction, along Smithfield to its junction with Belcher Street, thence into and, in a westerly direction, along Belcher Street to its junction with Cadogan Street, thence into and, in a northerly direction, along Cadogan Street to its junction with Chater Street, and thence into and, in an easterly direction, along Chater Street, terminating at the point where this Section is authorized to commence.

Section No. 2.—A Double line 4 miles 3 furlongs 4.5 chains (or thereabouts) in length, commencing by junction with Section No. 1 at the point where such Section is authorized to terminate, thence passing, in easterly, north-easterly and southerly directions, along Chater Street, Praya West, Des Voeux Road, and Connaught Road to the junction of Connaught Road with Morrison Street. From this point Section No. 2 is authorized to divide, one line passing in a southerly direction along Morrison Street to its junction with Des Voeux Road and thence into and, in an easterly direction, along Des Voeux Road to its junction with Cleverly Street, and the other line passing, in an easterly direction, along Connaught Road to its junction with Cleverly Street, and thence into and, in a southerly direction, along Cleverly Street to its junction with Des Voeux Road. From this point Section No. 2 is authorized to pass, in easterly, southerly and north-easterly directions, along Des Voeux Road, Queen's Road, Arsenal Street, Praya East, Yee Wo Street, and Causeway Road, terminating in that road at a point 50 feet (or thereabouts) from the north-east corner of Inland Lot No. 1,149.

Section No. 3.—A Single line 8.5 chains (or thereabouts) in length, commencing in Praya East by junction with Section No. 2 at a point 50 feet (or thereabouts) west of the intersection of the centre lines of Praya East and Tang Lok Lane, thence passing into and, in a southerly direction, along Tang Lok Lane and terminating in Morrison Hill Road at a point 50 feet (or thereabouts) south of the intersection of the centre lines of Morrison Hill Road and Sharp Street.

Section No. 4.—A Single line 1 furlong 1.5 chains (or thereabouts) in length, commencing in Praya East by junction with Section No. 2 at a point 50 feet (or thereabouts) west of the intersection of the centre lines of Praya East and Bowrington Road, thence passing into and, in a southerly direction, along Bowrington Road to its junction with Sharp Street, thence into and, in a westerly direction, along Sharp Street and terminating at the point where Section No. 3 will terminate.

Section No. 5.—A Double line 3 furlongs .6 chains (or thereabouts) in length, commencing in Morrison Hill Road by junction with Sections Nos. 3 and 4 at the point where such Sections will terminate, thence passing, in a southerly direction, along Morrison Hill Road and terminating in Wong-Nei-Chong Road, at a point 50 feet (or thereabouts) north of the northernmost point of the building known as the Grand Stand.

Section No. 6.—A Single line 2 miles 4 furlongs 3.8 chains (or thereabouts) in length, commencing in Causeway Road by junction with Section No. 2 at the

point where such Section will terminate, thence passing, in an easterly direction, along Quarry Bay Road and terminating in Shau-ki-wan Road at a point 530 feet (or thereabouts) north-west from the centre of No. 5 Bridge.

Section No. 7.—A Single line (with passing places) 1 mile 2 furlongs 4.5 chains (or thereabouts) in length, commencing in Shau-ki-wan Road by junction with Section No. 6 at the point where such Section will terminate, thence passing, in an easterly direction, along the new road to Shau-ki-wan now being constructed in place of a portion of the existing road to Shau-ki-wan, thence, in an easterly direction, along the existing Shau-ki-wan Road and terminating in that road at a point 20 feet or thereabouts east of the intersection of the centre lines of Wo Hing Street and Shau-ki-wan Road.

Notwithstanding anything in this Ordinance or the said plans contained or shown, the Company may construct, lay down and maintain the above Sections, or any of them, in such other positions along the lines of route shown on the said plans as the Governor in Council shall approve.

4. The plans hereinbefore referred to as having been deposited are the plans all dated the 9th day of April, 1901, and numbered one to four inclusive, deposited by the Company in the office of the Director of Public Works. Plans.

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

6. Subject to the approval of the Governor in Council being first obtained, the Company may, in the construction of the above Sections, or any of them, at their own expense alter the level of, and widen any bridge, road, street or space along or over which any Section is hereby authorized to be laid down, and make and construct all necessary cuttings and embankments, bridges, viaducts, culverts, catch-water drains, and other works, and divert streams: Provided always that the earth excavated and thrown to waste is disposed of to the satisfaction of the Director of Public Works and in such manner as to prevent its being washed by rain into the harbour of Victoria. Power to widen bridges, etc.

7. Subject to the approval of the Governor in Council being first obtained, after timely and adequate notification by public advertisement or otherwise of the intention of the Company to apply for such approval, the Company may, from time to time, construct, and maintain, subject to the provisions of this Ordinance, and in accordance with plans to be previously deposited by the Company in the office of the Director of Public Works, all such crossings, passing places, sidings, junctions, turn-tables and other works in addition to those particularly specified in and authorized by this Ordinance as may from time to time be approved of by the Governor in Council, and may work and use the same. Power to make additional crossings, etc.

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

9. The Sections numbered 1 to 5 inclusive shall be constructed, laid down and maintained as nearly as may be in the middle of the road, and shall not be so laid that, for a continuous distance of one hundred feet or upwards, a less space than nine feet shall intervene between the outside edge of the footpath on either side of the road and the nearest part of the car, except where it may be necessary to construct and maintain loops for enabling the cars to pass each other, or to construct sidings and curves, all which exceptions shall be subject to the approval in writing of the Director of Public Works. Provided that the Company may, at their discretion, lay down a double single line in any road where the width may not be sufficient to allow a space of nine feet on either side. The Sections numbered 6 and 7 shall be. Position of sections in road.

constructed, laid down and maintained in such positions on the roads along which they are authorized to be laid down as shall be approved of by the Governor in Council. Provided that the said last mentioned Sections may be so laid that a less space than 9 feet may intervene between the outside edge of the footpath on either side of the road, where there is a footpath, or, where there is no footpath, between the outside edge of the road and the nearest part of the tramcar.

Gauge of tramway.

10. The tramway shall be constructed on a gauge of not less than three feet six inches in width, and with steel rails, which said rails shall, before being laid down, be approved of by the Director of Public Works, and shall be laid and maintained in such manner that the uppermost surface thereof shall be on a level with the surface of the road.

Power to break up roads.

11. The Company from time to time for the purpose of making, forming, laying down, maintaining, renewing, altering, adding to, or removing any section under this Ordinance, or any part or parts thereof respectively, may open and break up any road subject to the following regulations:—

1. They shall give to the Director of Public Works notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work.
2. They shall not open or break up or alter the level of any road except with the authority, under the superintendence, and to the satisfaction of the Director of Public Works.

Completion of works, and reinstatement of road.

12. When the Company have opened or broken up any portion of any road, they shall be under the following further obligations, namely:—

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

If the Company fail to comply with any of the provisions of this section, they shall, for every offence (without prejudice to the enforcement of specific performance of the requirements of this Ordinance or to any other remedy against them) be liable on summary conviction to a penalty not exceeding one hundred dollars, and to a further penalty not exceeding twenty-five dollars for every day during which any such failure continues after the first day on which such penalty is incurred.

Further provisions as to construction of tramway.

13. In addition to the requirements of the preceding section, the Company shall, when they give notice as aforesaid to the Director of Public Works of their intention to open or break up any road for any of the purposes aforesaid, lay before the Director of Public Works a cross section showing the proposed mode of constructing, laying down, maintaining, renewing, altering, adding to, or removing the tramway or works in respect of which they propose to open or break up such road, and a statement of the materials intended to be used therein; and the Company shall not commence the construction, laying down, maintenance, renewal, alteration of, addition to, or removal of such tramway or works, or any part thereof respectively, except for the purpose of necessary repairs, until such cross section and statement have been approved in writing by the Director of Public Works, and the work shall be executed in accordance with such approved cross section and statement, and under the superintendence and to the satisfaction of the Director of Public Works.

Repair of roads on which tramway laid.

14. After and so soon as the said Tramway has been constructed and laid down the Company shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the Director of Public Works shall direct and to his satisfaction, so much of any road whereon any tramway

belonging to the Company is laid as lies between the rails of the tramway and (where a double line of tramway is laid by the Company in any road at a distance of not more than four feet from each other) the portion of the road between the two lines of tramway, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. Except as aforesaid the Company shall not be liable to pay for the cost of the maintenance or repair of any road whereon the tramway is laid.

15. The Company shall maintain in good condition and repair, and at their proper level so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consists, and the substructure upon which the same rest; and if the Director of Public Works shall from time to time, or at any time hereafter, alter the level of any road along or across which the tramway shall be laid, then and in such event, and so often as the same shall happen, the Company shall, at their own expense, alter their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered, and if the Company make default in complying with any of the provisions of this section, they shall, for every offence, be subject on summary conviction to a penalty not exceeding one hundred dollars and, in case of a continuing offence, to a further penalty not exceeding twenty-five dollars for every day after the first on which such default continues.

Maintenance and level of rails.

16. The Company shall keep those portions of the roads which are occupied by the track of the Sections Nos. 1, 2, 3, 4 and 5 watered to the satisfaction of the Director of Public Works.

Roads to be watered.

17. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid, it is, in the opinion of the Director of Public Works, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Director of Public Works shall, before such tramway or any part thereof shall be temporarily removed, or the use thereof discontinued, give to the Company fourteen days' notice at least of the necessity or expediency of such temporary removal or discontinuance, and immediately on receipt of any such notice the Company may, subject to such conditions and rules as the Governor in Council may from time to time make, construct in the same or any adjacent road, and, subject as aforesaid, maintain so long as necessary a temporary tramway in lieu of the tramway or part thereof so removed or discontinued, and the road on which such temporary tramway is laid shall, subject as aforesaid, be maintained so long as necessary by the Director of Public Works at the expense of the Company.

Temporary tramways may be made when necessary.

18. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the control of the Director of Public Works may be applied by them, so far as may be necessary, in or towards the reinstating of such road, provided such paving, metalling or material are, in the opinion of the Director of Public Works, fit and proper to be used in the reinstating of such road, and all surplus paving, metalling or material not used for any of the purposes in this section mentioned shall be the property of the Company, and shall be removed by them with all reasonable diligence.

Application of road materials excavated in construction of works.

19. For the purpose of making, forming, laying down, maintaining, renewing, altering, adding to, or removing the tramway or any parts or part thereof, the Company may, from time to time where it is necessary or appears expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, standards, poles, or apparatus for telegraphic, telephonic, electric lighting, or any other purposes, subject to the following restrictions, that is to say:—

Protection of Departments, Companies and persons.

(1.) Before the Company shall alter the position of any such mains or pipes, tubes, wires, standards, poles, or apparatus they shall obtain the written assent of the Director of Public Works to such alteration.

(2.) Before laying down the tramway in a road in which any mains or pipes, tubes, wires, standards, poles or apparatus may be laid, the Com-

pany shall, whether they contemplate altering the positions of any such mains or pipes, tubes, wires, standards, poles or apparatus, or not, give seven days' notice to the Department, Company, persons or person to whom such mains, or pipes, tubes, wires, standards, poles or apparatus may belong of their intention to lay down or alter the tramway, and shall at the same time deliver a plan of the proposed work. If it shall appear to such Department, Company, persons or person that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, standard, pole or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic, telephonic, electric lighting, or other communication, such Department, Company, persons or person may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, standards, poles or apparatus in such manner as may be considered necessary; and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Ordinance for the settlement of differences between the Company and Departments, Companies or persons.

- (3.) The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, or other works belonging to any such Department, Company, persons or person, or do anything to impede the passage of water or gas, or the telegraphic, telephonic, electric lighting, or other communication into or through such mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, without the consent of such Department, Company, persons or person, or in any other manner than such Department, Company, persons or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus, and other works necessary or proper for continuing the supply of water or gas, or telegraphic, telephonic, electric lighting or other communication as sufficiently as the same was supplied by the mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus proposed to be removed or displaced, shall, at the expense of the Company, have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the surveyor or engineer of such Department, Company, persons or person, or, in case of disagreement between such surveyor or engineer and the Company, in such manner as the Director of Public Works, or other fit and proper person specially appointed by the Governor in Council, shall direct.
- (4.) All alterations to be made under this section shall be made with as little detriment and inconvenience to such Department, Company, persons or person as the circumstances will admit of and under the superintendence of such Department, Company, persons or person, or of their or his surveyor or engineer.
- (5.) The Company shall not lay down any such mains or pipes, valves, syphons, plugs, tubes, wires, standards, poles or apparatus contrary to the regulations of any Ordinance relating to water, gas or other Companies, or to telegraphs.
- (6.) The Company shall make good all damage done by them to property belonging to or controlled by any such Department, Company, persons or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes or wires of any person supplied by any such Department, Company, persons or person with water or gas or electric light unless such Department

Company, persons or person shall, by or by reason of their or his own default, neglect or omission, have contributed to or assisted in the doing happening or bringing about of such loss or damage.

- (7.) If by any such operations as aforesaid the Company interrupt the supply of water or gas or electric light in or through any main, pipe or wire for a period exceeding twelve consecutive hours they shall be liable to a penalty not exceeding one hundred dollars for every day or portion of a day after the expiration of such period of twelve hours during which such supply shall be so interrupted.

20. When the tramway or any works connected therewith interferes with any sewer, drain, water-course, or sub-way, or in any way affects the sewerage or drainage of the said Colony of Hongkong, the Company shall not commence the construction of the tramway or works until they shall have given to the Director of Public Works fourteen days' previous notice in writing of their intention so to do, and shall have left with such notice all necessary particulars relating thereto, nor until the Director of Public Works shall have signified his written approval of the same, unless he do not signify his approval, disapproval or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with the directions of the Director of Public Works in the execution of the said works, and shall provide by new, altered or substituted works, in such manner as the Director of Public Works shall require, for the proper protection of, and for preventing injury or impediment to the sewers, drains, water-courses, sub-ways, sewerage or drainage hereinbefore referred to by or by reason of the tramway, and shall save harmless the Director of Public Works against the expense occasioned thereby; and all such works shall be done by or under the superintendence of the Director of Public Works at the cost and expense of the Company, and when any new altered or substituted works shall be completed by or at the cost or expense of the Company under this Ordinance, the same shall thereafter be as completely under the control of the Director of Public Works, and be maintained by him, as any other sewers, drains, water-courses, sub-ways, sewerage or drainage.

For protection of sewers, etc.

21. If any cable or line used for the purpose of telegraphic, telephonic or electric signalling communication, now or hereafter to be constructed and worked in the said Colony or any of its Dependencies by the Government or the Eastern Extension Australasia and China Telegraph Company Limited and the Great Northern Telegraph Company Limited, or any aerial or subterranean line connected with any such cable, or the sheathings, coverings or supports of any such cable or line shall be injuriously affected by the construction or working of the undertaking, or by electrolysis or other cause arising or resulting from the undertaking, the Company shall pay the expenses of all such alterations in or additions to such cable, line, sheathings, coverings or supports as may be necessary to remedy such injurious affection. For the purposes of this section a cable or line shall be deemed to be injuriously affected if telegraphic communication by means of such cable or line is, whether through induction or otherwise, in any manner affected by any act or work of the Company.

For protection of Government or Telegraph cables or lines.

22. Nothing in this Ordinance shall take away or abridge any power to open or break up any road along or across which the tramway is laid or any other power now vested in any Department, Company, persons or person for the doing of any matter or thing which such Department, Company, persons or person are or is authorized to do, but in the exercise of such power all such Departments, Companies or persons shall be subject to the following restrictions (that is to say):—

Rights of Departments, etc. to open roads.

- (1.) They shall cause as little detriment or inconvenience to the Company as circumstances admit.
- (2.) Before they commence any works whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which case notice of the commencement of such work shall be given to the Company within twenty-four hours after such commencement) give to the

Company and the Director of Public Works notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work.

- (3.) They shall not be liable to pay to the Company any compensation for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.
- (4.) Whenever for the purpose of enabling them to execute such works any such Department, Company, persons or person shall so require, the Company shall either stop traffic on that portion of the tramway to which such notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by all such Departments, Companies or persons with all reasonable expedition.
- (5.) Any such Department, Company, persons or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the Company, unless the Company do not give such superintendence at the time specified in the notice for the commencement of the work, or permanently discontinue the same during the progress of the work, and they or he shall execute such work at their or his own expense and to the reasonable satisfaction of the Company.

Difference between Company and others (other than the Director of Public Works).

23. If any difference arises between the Company on the one hand and any Department, Company, persons or person (other than the Director of Public Works) to whom any sewer, drain, tube, wires, standards, poles, or apparatus for telegraphic, telephonic, electric lighting or other purposes may belong on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by such Department, Company, persons or person, or on their or his behalf, or by the Company by virtue of this Ordinance in relation to any Section of the tramway or works or in relation to any work proceeding of such Department, Company, persons or person, or with respect to the propriety of or the mode of execution of any work relating to the tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Department, Company, persons or person concerned, or with respect to any other subject or thing regulated by or comprised in the Ordinance, the matter in difference shall (unless otherwise specially provided for by this Ordinance) be settled by a special case.

Difference between Company and Director of Public Works.

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

Tramway not to be opened until certified fit for traffic.

25. Neither the tramway nor any portion thereof shall be opened for public traffic until the same has been certified to be fit for such traffic by the Director of Public Works or other officer duly appointed in writing for that purpose by the Governor in Council, and the Governor in Council has, by notification in the Gazette, authorized the same to be opened for such traffic.

Cesser of Powers in certain events.

26. If the Company do not, within three years from the commencement of this Ordinance, complete and open for public traffic the whole of the tramway hereby authorized; or

Cesser of powers in certain events.

if within one year from such commencement the construction of the tramway is not, in the opinion of the Governor in Council, substantially commenced; or

if the construction of the tramway after it has been commenced is suspended without a reason sufficient, in the opinion of the Governor in Council, to warrant such suspension,

the powers hereby given to the Company for constructing the tramway shall cease to be exercised, unless the time be prolonged by the Governor in Council. As to such portion however of the tramway as is then completed the Governor in Council may permit the said powers to continue and to be exercised if he shall think fit, but failing such permission the same shall cease to be exercised, and where such permission is withheld then so much of the tramway as is then completed shall be deemed to be a tramway to which all the provisions of this Ordinance relating to the discontinuance of the tramway after proof of such discontinuance shall apply and may be dealt with accordingly. A notice published by the Governor in Council in the Gazette declaring that the tramway has not been completed and opened for public traffic, or that the construction of the tramway has not been substantially commenced within the time aforesaid, or that such construction has been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

Insufficient User of Tramway.

27. If at any time after the tramway shall have been for three years opened for public traffic it shall be represented in writing to the Governor in Council by the Director of Public Works or by twenty inhabitant ratepayers of the Colony of Hongkong that the Public are not afforded the full benefit of the tramway, the Governor in Council may (if satisfied that *prima facie* the case is one for enquiry) appoint an officer to enquire into the matter and to hold an enquiry and report thereon, and, if the truth of the representation shall be proved to the satisfaction of the Governor in Council, the Governor in Council may issue an order to the Company, requiring them to provide such a service of cars as will afford to the Public the full benefit of the tramway, and such order may prescribe the number of cars which the Company shall run upon the tramway, and the mode and times in and at which such cars shall be run. Every such order shall be served upon the Company within 48 hours after it shall have been made, and shall be published in the Gazette next following the making thereof. Provided that the Governor in Council shall, before issuing any such order, be satisfied that under good and economical management the prescribed service will be fairly remunerative to the Company; and that, after the Company shall have complied with such order for not less than thirty days, the Governor in Council may on the application of the Company revoke or modify any such order.

Procedure when Public not afforded full benefit of tramway.

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

Procedure on non-compliance with order.

Discontinuance of Tramway.

29. If at any time after the opening of the tramway for traffic the Company discontinue the working of the tramway or of any part thereof for the space of six months (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) and such discontinuance is proved to the satisfaction of the Governor in Council, the Governor in Council may by order declare that the powers

Discontinuance of tramway.

of the Company in respect of the tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the powers of the Company shall cease and determine, unless the same are purchased by the Government in manner by this Ordinance provided. Where any such order has been made the Director of Public Works may, at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect of the Governor in Council, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the Director of Public Works the cost of such removal and of the making good of the road by the Director of Public Works, such cost to be certified by the Director of Public Works, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within two months after delivery to them of such certificate or a true copy thereof, the Director of Public Works may (without any previous notice to the Company but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private contract and for such sum or sums and to such person or persons as he may think fit, and may out of the proceeds of such sale reimburse himself the amount of the cost certified as aforesaid, and of the cost of sale, and the balance, if any, of the proceeds of sale shall be paid to the Company.

Insolvency of Company.

Proceedings
in case of
insolvency
of Company.

30. If at any time after the opening of the tramway or any portion thereof for traffic it appears to the Governor in Council that the Company are insolvent, so that they are unable to maintain the tramway or such portion thereof as has been opened for traffic or work the same with advantage to the Public, the Governor in Council may enquire into the financial affairs of the Company; and, if satisfied that the Company are so insolvent as aforesaid, may by order declare that the powers of the Company shall, at the expiration of six months from the making of the order, be at an end, and the powers of the Company shall cease and determine at the expiration of the said period unless the same are purchased by the Government in manner by this Ordinance provided, and thereupon the Director of Public Works may remove the tramway in like manner and subject to the same provisions as to the payment of the costs of such removal and to the same remedy for recovery of such costs in every respect as in cases of removal under the immediately preceding section.

Purchase of Tramway.

Purchase
by Govern-
ment of
tramway.

31. The Governor in Council may at the expiration of fifty years from the date of the commencement of this Ordinance, or at the expiration of any subsequent period of five years, or at the expiration of three months after the making of any order by the Governor in Council under either of the two immediately preceding sections, on giving to the Company a notice in writing of the intention of the Governor in Council so to do in manner following, that is to say:—

- (a.) at least six months' notice prior to the expiration of such fifty years;
- (b.) at least six months' notice prior to the expiration of any such subsequent period of five years;
- (c.) at least two months' notice prior to the expiration of such three months,

require the Company to sell and thereupon the Company shall sell to the Government their undertaking, and all lands, buildings, works, materials and plant of the Company suitable to and used by the Company for the purposes of their undertaking, for and in consideration of the then value of the same. Provided that the value aforesaid shall be deemed to be the fair value at the time of the purchase, due regard being had to the cost of construction less depreciation, and to the then nature, condition and state of repair of the buildings, works, materials and plant, and to the fact that they are in such a condition and state of repair as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase, or of goodwill, or

of any profits which might have been made from the undertaking or of any similar considerations. In case of difference, such value as aforesaid shall be determined by a special case. When any such sale has been made and completed all the rights, powers and authorities of the Company in respect of the premises sold, or, where any order has been made by the Governor in Council under either of the two immediately preceding sections, all the rights, powers and authorities of the Company previous to the making of such order in respect of the premises sold shall be transferred to and vested in and may be exercised by the Government.

Motive Power.

32. The cars used on the tramway shall be moved by electric power conveyed by means of a bare overhead wire and the rails of the tramway. Provided always that the exercise of the powers by this section conferred with respect to the use of electric power shall be subject to the rules set forth in Schedule A hereto, and to any rules which may be added thereto or substituted therefor by any order which the Governor in Council may make from time to time as and when he may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers hereby conferred with respect to the use of electric power on the tramway. In the event of the Company being unable at any time or times to move the cars by electric power the cars may temporarily be moved by animal power.

Motive power.

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

Construction of cars.

34. The Director of Public Works, or any officer or officers appointed for that purpose by the Governor in Council in writing, may, from time to time, inspect any car used on the tramway, and the machinery therein, and any wires or other machinery of the Company, and report thereon, and the Governor in Council may (after receiving from the Company and considering their report on the matter) by order prohibit the use of any such car wires or machinery as may be determined to be unsafe or unfit for use.

Powers to Authorities to inspect cars, etc.

35. The Company or any person using electric power on the tramway contrary to the provisions of this Ordinance, or to any of the rules set forth in Schedule A hereto, or to any rule added thereto or substituted therefor as aforesaid, shall for every such offence be subject to a penalty not exceeding twenty-five dollars, and also in the case of a continuing offence a further penalty not exceeding ten dollars for every day after the first during which such offence continues.

Penalty for using electric power contrary to Ordinance or rules.

Rules.

36. Subject to the provisions of this Ordinance, the Governor in Council may from time to time make rules with regard to the tramway for regulating the working of the tramway as well as for any of the following purposes, that is to say:—

Rules.

For regulating the use of the warning apparatus affixed to the cars.

For providing that the cars shall be brought to a stand at such places and in such cases of impending danger as the Governor in Council may deem proper for securing safety.

For regulating the entrance to, exit from and accommodation in the cars and the protection of passengers from the machinery of any car used on the tramway.

For regulating the rate of speed of the cars: Provided that the speed as regards Sections Nos. 1, 2, 3, 4 and 5 shall not (unless another rate be authorized by the Governor in Council under the authority of this clause) exceed the rate of ten miles an hour, and, as regards Sections Nos. 6 and 7, shall not exceed the rate of fifteen miles an hour, and that no cars may

pass through moveable facing points at a pace exceeding the rate of four miles an hour: Provided also that, as regards Sections Nos. 1, 2, 3, 4 and 5 the Governor in Council may, if he shall think fit so to do, authorize the maximum rate of speed to be increased to a rate not exceeding the rate of twelve miles an hour.

For the stopping of cars using the tramway.

For providing for the due publicity of all rules for the time being relating to the tramway by exhibition thereof in conspicuous places.

For providing for the safety of the Public in all cases in which it shall appear to the Governor in Council that such safety is, or is likely to be, endangered or imperilled.

Subject to the provisions of this Ordinance and to their furnishing to the Governor in Council a true copy of every rule which they propose to make one month at least before the same is made, the Company may from time to time make rules—

For preventing the commission of any nuisance in or upon any car or in or against any premises belonging to them.

For regulating the travelling in or upon any car belonging to them.

Notice of the making of any rules by the Governor in Council or by the Company shall be published once in two consecutive weeks in the *Gazette* within three weeks after the making thereof.

Penalty may be imposed in rules.

37. Any such rule may impose penalties for offences against the same not exceeding ten dollars for each offence, with or without penalties for continuing offences not exceeding for any continuing offence five dollars for every day during which the offence continues; but all rules shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Wheels and Width of Cars.

Wheels and width of cars.

38. The Company may use on the tramway cars with flange-wheels, or wheels suitable only to run on the rails of the tramway, and, subject to this Ordinance, the Company shall have the exclusive use of the tramway for cars with flange-wheels or other wheels suitable only to run on the said rails, and no car used on the tramway shall exceed six feet six inches in width.

Power to Sell.

Power to sell.

39. Subject to the approval of the Governor in Council being first obtained the Company may at any time and from time to time sell, assign and absolutely dispose of the whole of their undertaking, to such person or persons or Corporation or Company, by public auction or private contract, or partly by public auction and partly by private contract, and with, under and subject to such terms and conditions in all respects as the Company shall, with the approval of the Governor in Council, think fit, with power at any such sale to fix a reserve price for, or buy in the same, and when any such sale, assignment or absolute disposal has been made and completed all the rights, powers, authorities, obligations and liabilities of the Company in respect to the undertaking shall be transferred to, vested in and may be exercised by and shall attach to the person or persons or Corporation or Company to whom the same have been sold, assigned or absolutely disposed of, in like manner as if the undertaking was constructed by such person or persons or Corporation or Company under the powers conferred upon him or them by this Ordinance, and in reference to the same he or they shall be deemed to be the Company and to be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder. Provided that the Company may at any time and from time to time sell, assign and absolutely dispose of any land, machinery, property, chattel or effect which shall not be required for the efficient maintenance and working of their undertaking.

Power to Lease.

Power to lease.

40. Subject to the approval of the Governor in Council being first obtained the Company may, at any time and from time to time, demise or let the whole of their undertaking

to such person or persons or Corporation or Company for such term or terms of years or from year to year or for any less period, and for such rent or rents and upon such terms and conditions in all respects as the Company shall think fit to adopt, to take effect either in possession or at some future date, and either with or without a premium or premiums as a consideration or considerations for such demise or demises, and when any such demise or letting has been made the lessee shall be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder. Provided that the Company may at any time and from time to time demise or let any land, machinery, property, chattel or effect which shall not be required for the efficient maintenance and working of their undertaking.

Power to Mortgage.

41. Subject to the approval of the Governor in Council being first obtained it shall be lawful for the Company at any time and from time to time to borrow money on mortgage of the whole of their undertaking, and for that purpose to assign or demise by way of mortgage all their lands, messuages or tenements, erections, buildings, works, rolling stock, plant, machinery, chattels and effects, to any person or persons or Corporation or Company, and to enter into all such covenants, provisos, declarations and agreements as the Company shall think fit or proper, and any mortgagee in possession shall be subject in all respects to the provisions of this Ordinance and to any order in Council or rules made hereunder.

Power to mortgage.

Rights of Government.

42. The Governor in Council may at any time or times by order direct that precedence over the Company and all other persons in the user of the tramway hereby authorized, or any parts or part thereof, be taken for defensive or military purposes, or for the passage of troops and war material, on giving to the Company before each occasion of such user three clear days' notice, when practicable.

Rights of Government in military emergency.

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

Fares, etc. to be paid in such emergency.

44. Postmen and Policemen in the service of the Government for the time being on duty and in uniform shall be carried free of charge.

Postmen and Policemen on duty and in uniform free.

Traffic upon the Tramway.

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

Traffic upon tramway.

46. Save and except passengers' luggage not exceeding sixteen pounds in weight or one cubic foot in measurement, the Company shall not be bound to carry, unless they think fit, any animals, goods, merchandise, commodities, minerals or parcels.

Company not bound to carry animals or goods.

Royalties to Government.

47. (1.) The Company shall not be required to pay any Royalty for ten years after the Tramway has been opened for public traffic as provided by section 25 of this Ordinance, but in consideration of the rights, powers and authorities hereby granted to or conferred upon the Company, the Company thereafter shall pay to the Government the following Royalties, that is to say:—

Royalties.

(a.) From and after the expiration of the said ten years, for the period of twenty-five years, a Royalty amounting to five per cent. per annum of the profits of the Company.

(b.) After the said period of twenty-five years has expired and for so long as the Company shall exercise their said rights, powers and authorities a Royalty amounting to twenty-five per cent. per annum of the profits of the Company.

For the purposes of this section profits shall be the gross takings of the Company less working expenses, and such working expenses shall not be deemed to include any interest or dividends upon any moneys borrowed for the purposes of the Company.

(2.) Any person from time to time appointed by the Government as Auditor for the purpose may at all reasonable times inspect the books, papers and vouchers of the Company and take notes therefrom.

(3.) In the event of any dispute arising between the Government and the Company as to what is, for the purposes of this section, the correct amount of the profits of the Company in any particular year, such amount shall be determined upon a special case.

Fares and Charges.

Fares for passengers.

48. The Company may demand and take for every passenger travelling upon the tramway or any portion thereof, including every expense incidental to such conveyance, fares not exceeding the following rates, that is to say:--

- (i.) From or to the point where Section No. 1 is authorized to commence to or from the existing General Post Office in Queen's Road Central, for any distance, for a first class passenger 15 cents, for a second class passenger 10 cents, and for a third class passenger 5 cents.
- (ii.) From or to the existing General Post Office in Queen's Road Central to or from the point in Causeway Road where Section No. 2 is authorized to terminate, or to or from the point in Wong Nei Chong Road where section No. 5 is authorized to terminate, for any distance, for a first class passenger 15 cents, for a second class passenger 10 cents, and for a third class passenger 5 cents.
- (iii.) From or to the point in Causeway Road where Section No. 6 is authorized to commence to or from the point in Shau-ki-wan Road where Section No. 7 is authorized to terminate, for any distance, for a first class passenger 20 cents, for a second class passenger 15 cents, and for a third class passenger 5 cents.

A list printed in the English and Chinese languages of all the fares and charges authorized to be taken shall be exhibited in a conspicuous place at the offices of the Company, and inside and outside every car used upon the tramway: Provided that if there be any variation between the English and Chinese prints of the said list the English print thereof shall prevail.

Cheap fares for labouring classes.

49. The Company shall at all times after the tramway shall have been opened for public traffic run on the tramway such number of cars as may from time to time be fixed by resolution of the Legislative Council each way every morning and evening in the week at such hours not being later than seven o'clock in the morning or earlier than half past five o'clock in the evening, respectively, as the Company shall from time to time think most convenient for artisans, mechanics and daily labourers at fares not exceeding two cents for the single journey and three cents for the return journey: Provided that in case any complaint shall be made to the Governor in Council of the hours appointed by the Company for the running of such cars the Governor in Council shall have power by order to fix and regulate the same.

Separate car for Chinese third class passengers.

50. Separate cars or separate accommodation shall be provided by the Company for Chinese third class passengers.

If cars full, Company not bound to carry.

51. If the cars shall during any journey contain their authorized complement of passengers, the Company shall not be bound to find accommodation for any other passenger, notwithstanding that such other passenger may have purchased a ticket or tickets entitling him to travel upon the tramway.

Passengers not to speak to driver.

52. No passenger shall speak to the driver of any car whilst such driver is on duty.

Passengers' luggage.

53. No passenger may take on the tramway his personal luggage other than small hand baskets, bags or parcels, any one of which shall not exceed sixteen pounds in weight, or one cubic foot in measurement. All such personal luggage shall be carried by hand, and at the responsibility of the passenger, and shall not occupy any part of a seat, nor be of a form or description to annoy or inconvenience other passengers.

54. The Company may demand and take in respect of any animals, goods, merchandise, commodities, minerals or parcels conveyed by them on the tramway, except as is by this Ordinance specially provided, including the charges for the use of the tramway, and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any charges not exceeding the charges specified in Schedule *B* hereto, subject to the rules therein contained.

Charges for animals and goods.

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

Payment of fares and charges.

Abandonment of Undertaking.

56. If the Company abandon their undertaking or any part or parts thereof and take up the tramway or any portion or portions thereof they shall, with all convenient speed, and in all cases within eight weeks at the most (unless the Director of Public Works otherwise consents in writing) fill in the ground and make good the surface, and, to the satisfaction of the Director of Public Works, restore the portion of the road upon which the tramway, or such portion or portions thereof as shall be abandoned, was or were laid, to a good condition, and shall clear away surplus paving or metalling material or rubbish occasioned by such work, and shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night: Provided that if the Company fail to comply with the provisions of this section the Director of Public Works, if he thinks fit, may himself, at any time, after seven days' notice to the Company, remove the tramway and do the work necessary for the restoration of the road to the extent provided for in this section, and the expense incurred by the Director of Public Works in so doing shall be repaid to him by the Company.

On abandonment, road to be reinstated.

Offences.

57. If any person infringes any of the provisions of this Ordinance, or wilfully obstructs any person acting under the authority of the Company in the lawful exercise of any of the powers hereby conferred, or defaces or destroys any mark made for the purpose of setting out the line of the tramway, or damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five hundred dollars, and in default of payment of such penalty to imprisonment for any term not exceeding six months with or without hard labour.

Breach of provisions of Ordinance, etc.

58. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely:—

Further offences.

interferes with, removes, or alters, any part of the tramway, or of the works connected therewith;

places, or throws any stone, dirt, wood, refuse, or other material on any part of the tramway;

does, or causes to be done, anything in such manner as to obstruct any car using the tramway, or to endanger the lives of persons therein, or thereon; or knowingly aids or assists in the doing of any of such things,

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding one thousand dollars, and in default of payment of such penalty to imprisonment for any term not exceeding twelve months with or without hard labour.

59. If any person travelling, or having travelled in any car, avoids or attempts to avoid payment of his fare, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such car beyond such distance, and does not pay or tender the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly or wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such car, every such person shall for every such offence be liable to a penalty not exceeding ten dollars.

Further offences.

Power to temporarily seize offender.

60. It shall be lawful for any officer or servant of the Company and any person called by him to his assistance to seize and detain any person discovered either in, or immediately after, committing or attempting to commit any such offence as in the immediately preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be handed over to a Police Officer or Constable for safe custody.

Penalty for bringing dangerous goods on tramway.

61. No person shall be entitled to carry or to require to be carried on the tramway any goods which are of a dangerous nature, and if any person send by the tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left, at the time of such sending, he shall be liable to a penalty not exceeding one hundred dollars for every such offence, and in default of payment of such penalty to imprisonment for any term not exceeding three months with or without hard labour, and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for using tramway with flange-wheeled carriages, etc.

62. If any person (except under the authority of this Ordinance) uses the tramway with carriages, cars or vehicles having flange-wheels, or other wheels suitable to run on the rail of the tramway, such person shall for every such offence be liable to a penalty not exceeding one hundred dollars.

Purchase of Lands by Agreement.

Power to purchase lands by agreement.

63. Subject to the provisions of this Ordinance, it shall be lawful for the Company to agree with the owners of any lands which shall be required for the purposes of this Ordinance, and with all parties having any estate or interest in such lands or by this Ordinance enabled to sell and assign the same, for the absolute purchase for a consideration in money of any such lands, or any parts or part thereof, and of any estate or interest in such lands of any kind soever.

Parties under disability enabled to sell and assign.

64. It shall be lawful for all parties, being seized, possessed of or entitled to any such lands, or any estate or interest therein, to sell and assign or release the same to the Company, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties, so seized, possessed or entitled as aforesaid, so to sell, assign or release (that is to say) all corporations, tenants in tail or for life, married women seized in their own right, guardians, committees of lunatics and idiots, trustees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any lease for life or for lives and years or for years or any less interest; and the power so to sell and assign or release as aforesaid may lawfully be exercised by all such parties, other than lessees for life or for lives and years or for years or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability, and as to such trustees, executors and administrators, on behalf of their *cestuis que trustent*, whether infants, issue unborn, lunatics, *femes covert*, or other persons, and that to the same extent as such *cestuis que trustent* respectively could have exercised the same powers under the authority of this Ordinance if they had respectively been under no disability.

Parties under disability to exercise other powers.

65. The power to release lands from any rent-charge or incumbrance and to agree for the apportionment of any such rent-charge or incumbrance shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and assign or release lands to the Company.

66. The purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity and not having power to sell or assign such lands except under the provisions of this Ordinance, and the compensation (if any) to be paid for any permanent damage or injury to any such lands shall not be less than such a sum as shall be approved of by a Judge upon a special case, and all purchase money and compensation recovered under or by virtue of this section shall be paid into Court for the benefit of the parties interested.

Compensation where parties are under disability.

Deposit of Money or Security.

67. Notwithstanding anything in this Ordinance contained the Company shall not exercise the powers hereby conferred unless and until they shall have paid as a deposit the sum of ten thousand dollars into the Treasury of the Colony of Hongkong, which said sum shall be invested by the Governor in Council upon such stocks, funds and securities and in such mode, manner or way as the Company shall desire and the Governor in Council shall approve of. The Company may transfer to the Government in lieu wholly or in part of the said sum of ten thousand dollars any lands, stocks, funds, shares or securities of an equivalent value.

Deposit before exercising powers.

68. The said sum of ten thousand dollars and the investments for the time being representing the same and any lands, stocks, funds, shares or securities so as aforesaid transferred to the Government (all hereinafter called "the deposited security") shall not be paid or transferred to the Company unless the Company shall within the period mentioned in section 26 of this Ordinance complete and open for public traffic the whole of the tramway hereby authorized, and if the Company shall make default in so completing and opening the whole of the tramway the deposited security shall be applied as provided by the immediately following section.

How deposit to be applied.

69. If within the period mentioned in section 26 of this Ordinance the Company shall not complete and open for public traffic the whole of the tramway hereby authorized then and in such case the deposited security shall be realized and applied towards compensating the Government for the expense incurred by the Government in taking up any uncompleted and unopened portion of tramway or the materials connected therewith placed by the Company in or upon any road and in making good all damage caused to any road by the construction or abandonment of the tramway or any portion or portions thereof. If no such compensation is payable, or if a portion of the deposited security has been found sufficient to satisfy such compensation, then the deposited security, or such portion thereof may not be required as aforesaid, shall, if a Receiver has been appointed or the Company are insolvent and are in the course of being wound up, or the undertaking has been abandoned, be paid or transferred to such Receiver or to the liquidator or liquidators of the Company or be duly applied as part of the assets of the Company for the benefit of the creditors thereof, and subject to such application shall be repaid or retransferred to the Company: Provided that until the deposited security has been repaid or retransferred to the Company or has become otherwise applicable as hereinbefore mentioned any interest, dividends or income accruing thereon shall as often as the same shall become payable be paid to the Company.

Application of deposit, if tramway not completed.

Miscellaneous.

70. Every fare, charge, penalty or forfeiture imposed by this Ordinance or by any Order in Council or Rule made in pursuance hereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before a Magistrate, and on complaint being made to a Magistrate he shall issue a summons requiring the party complained against to appear before any Magistrate at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence after proof of the due service of such summons, it shall be

Recovery of fares, etc.

lawful for any Magistrate to proceed to the hearing of the complaint although no information in writing or in print shall have been exhibited before him, and, upon proof of the offence, it shall be lawful for such Magistrate to convict the offender and upon such conviction to adjudge the offender to pay such fare, charge, penalty or forfeiture as well as such costs attending the conviction as such Magistrate shall think fit.

By distress.

71. If forthwith, upon any such adjudication as aforesaid, the amount of the fare, charge, penalty or forfeiture and of such costs as aforesaid be not paid, the amount thereof shall be levied by distress, and any Magistrate shall issue his warrant of distress accordingly. The said amount shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying the amount due and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Application of penalties.

72. The Magistrate by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award one moiety thereof to the use of His Majesty, His Heirs and Successors for the public uses of the Colony and the other moiety to the informer or party prosecuting or complaining.

Distress not unlawful for want of form.

73. No distress levied by virtue of this Ordinance shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action or suit upon the case.

Fares, etc. to be sued for within six months.

74. No person shall be liable to the payment of any fare, charge, penalty or forfeiture imposed by virtue of this Ordinance for any offence made cognizable before a Magistrate unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

Power to summon witnesses.

75. It shall be lawful for any Magistrate to summon any person to appear before him or any other Magistrate as a witness in any matter in which a Magistrate shall have jurisdiction under the provisions of this Ordinance, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter, and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such Magistrate, every such person shall forfeit a sum not exceeding fifty dollars for every such offence.

Form of conviction.

76. The Magistrate before whom any person shall be convicted of any offence against this Ordinance may cause the conviction to be drawn up according to the form in Schedule C to this Ordinance.

Proceedings not to be quashed for want of form.

77. No proceeding before a Magistrate in pursuance of this Ordinance shall be quashed or vacated for want of form or removed by *certiorari* or otherwise into the Court.

Appeal.

78. If any party shall feel aggrieved by any determination or adjudication of any Magistrate with respect to any fare, charge, penalty or forfeiture under the provisions of this Ordinance, such party may appeal under the provisions of and in manner provided by any Ordinance for the time being in force relating to appeals from a Magistrate.

Company to be responsible for all damage through their act or default.

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

Right of user only acquired.

80. Notwithstanding anything in this Ordinance contained the Company shall not acquire any right other than that of user of the roads along or across which they lay the tramway.

81. Nothing in this Ordinance shall limit the powers of the Police to regulate the passage of any traffic along or across any public road along or across which the tramway is laid down, and the Police may exercise their powers as well on as off the tramway, and with respect to the traffic of the Company as to the traffic of other persons, and in particular nothing in this Ordinance shall limit the power of the Captain Superintendent of Police under any Ordinance for the time being in force to make rules or regulations with reference to traffic.

Power to
Police to
regulate
traffic.

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

Rights of
public
reserved.

83. The powers and privileges given by this Ordinance are so given saving and reserving always the rights of His Majesty, His Heirs and Successors and of all bodies politic and corporate and of all other persons and those claiming by from or under Him or them, except as is herein otherwise provided.

Reservation
of rights of
the Crown
and others.

84. Nothing in this Ordinance or in any Order in Council or Rule made hereunder shall exonerate the Company from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by it.

Company not
exempted
from pro-
ceedings for
nuisance.

Passed the Legislative Council of Hongkong, this 30th day of April, 1902.

R. F. JOHNSTON,
Acting Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 14th day of May, 1902.

A. M. THOMSON,
Acting Colonial Secretary.

SCHEDULE A.

RULES.

In the following rules:—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a car and used for the conversion of energy.

The expression "pipe" means any gas or water pipe or other metallic pipe, structure, or substance.

The expression "wire" means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression "current" means an electric current exceeding one thousandth part of one ampere.

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and is hereinafter referred to as the "line"; the other may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following rules, and is hereinafter referred to as the "return."

3. Where any rails on which cars run or any conductors laid between or within three feet of such rails form any part of a return such part may be uninsulated. All other returns or parts of a return shall be insulated, unless of such sectional area as will reduce the difference of potential between the ends of the uninsulated portion of the return below the limit laid down in rule 7.

4. When any uninsulated conductor laid between or within three feet of the rails forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5. When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current indicator hereinafter mentioned, to two separate earth connections which shall be placed not less than 20 yards apart. Provided that in place of such two earth connections the Company may make one connection to a main for water supply of not less than three inches internal diameter, with the consent of the owner thereof and of the person supplying the water, and provided that where, from the nature of the soil or for other reasons, the Company can show to the satisfaction of an inspecting officer of the Government that the earth connections herein specified cannot be constructed and maintained without undue expense, the provisions of this rule shall not apply. The earth connections referred to in this rule shall be constructed laid and maintained so as to secure electrical contact with the general mass of earth, and so that an electro-motive force, not exceeding four volts, shall suffice to produce a current of at least two amperes from one earth connection to the other through the earth, and a test shall be made at least once in every month to ascertain whether this requirement is complied with. No portion of either earth connection shall be placed within six feet of any pipe except a main for water supply of not less than three inches internal diameter which is metallically connected to the earth connections with the consents hereinbefore specified.

6. When the return is partly or entirely uninsulated the Company shall in the construction and maintenance of the tramway (a) so separate the uninsulated return from the general mass of earth, and from any pipe in the vicinity; (b) so connect together the several lengths of the rails; (c) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any other point; and (d) so maintain the efficiency of the earth connections specified in the preceding rules as to fulfil the following conditions, viz. —

- (i) That the current passing from the earth connections through the indicator to the generator shall not at any time exceed either two amperes per mile of single tramway line or five per cent. of the total current output of the station.
- (ii) That if at any time and at any place a test be made by connecting a galvanometer or other current-indicator to the uninsulated return to any pipe in the vicinity, it shall always be possible to reverse the direction of any current indicated by interposing a battery of three Leclanche cells connected in series if the direction of the current is from the return to the pipe, or by interposing one Leclanche cell if the direction of the current is from the pipe to the return.

In order to provide a continuous indication that the condition (i) is complied with, the Company shall place in a conspicuous position a suitable properly connected and correctly marked current-indicator, and shall keep it connected during the whole time that the line is charged.

The owner of any such pipe may require the Company to permit him at reasonable times and intervals to ascertain by test that the conditions specified in (ii) are complied with as regards his pipe.

7. When the return is partly or entirely uninsulated a continuous record shall be kept by the Company of the difference of potential during the working of the tramway between the points of the uninsulated return furthest from and nearest to the generating station. If at any time such difference of potential exceeds the limit of seven volts, the Company shall take immediate steps to reduce it below that limit.

8. Every electrical connection with any pipe shall be so arranged as to admit of easy examination, and shall be tested by the Company at least once in every three months.

9. Every line and every insulated return or part of a return except any feeder shall be constructed in sections not exceeding one half of a mile in length, and means shall be provided for insulating each such section for purposes of testing.

10. The insulation of the line and of the return, when insulated, and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one hundredth of an ampere per mile of tramway. The leakage current shall be ascertained daily before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one half of an ampere per mile of tramway the leak shall be localised and removed as soon as practicable and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours. Provided that where both line and return are placed within a conduit this regulation shall not apply.

11. The insulation resistance of all continuously insulated cables used for lines, for insulated returns, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

12. Where in any case in any part of the tramway the line is erected overhead and the return is laid on or under the ground, and where any wires have been erected or laid before the construction of the tramway in the same or nearly the same direction as such part of the tramway the Company shall, if required so to do by the owners of such wires or any of them, permit such owners to insert and maintain in the Company's line one or more induction-coils or other apparatus approved by the Company for the purpose of preventing disturbance by electric induction. In any case in which the Company withhold their approval of any such apparatus the owners may appeal to the Governor in Council, who may, if he thinks fit, dispense with such approval.

13. Any insulated return shall be placed parallel to and at a distance not exceeding three feet from the line when the line and return are both erected overhead, or eighteen inches when they are both laid underground.

14. In the disposition, connections, and working of feeders the Company shall take all reasonable precautions to avoid injurious interference with any existing wires.

15. The Company shall so construct and maintain their system as to secure good contact between the motors and the line and return respectively.

16. The Company shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

17. In working the cars the current shall be varied as required by means of a rheostat containing at least 20 sections, or by some other equally efficient method of gradually varying resistance.

18. The Company shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Governor in Council.

Daily Records.

- Number of cars running.
- Maximum working current.
- Maximum working pressure.
- Maximum current from the earth connections (*vide* rule 6 (i.)).
- Leakage current (*vide* rule 10).
- Fall of potential in return (*vide* rule 7).

Monthly Records.

- Condition of earth connections (*vide* rule 5).
- Insulation resistance of insulated cables (*vide* rule 11).

Quarterly Records.

- Conductance of joints to pipes (*vide* rule 8).

Occasional Records.

- Any tests made under provisions of rule 6 (ii.).
- Localisation and removal of leakage, stating time occupied.
- Particulars of any abnormal occurrence affecting the electric working of the tramway.

SCHEDULE B.

CHARGES FOR ANIMALS, GOODS, &c.

<i>Animals.</i>	<i>Per mile.</i>
For every horse, mule, or other beast of draught or burden, per head	12 cents.
For every ox, cow, bull or head of cattle, per head	12 "
For every calf, pig, sheep, dog, or other small animal, per head	10 "
<i>Goods and Minerals.</i>	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire clay, cinders, dung, compost and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton	20 "
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, bricks, slags and stone, stones for building, pitching and paving, tiles, slates and clay (except fire clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chains, per ton	20 "
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber and metals (except iron), nails, anvils, vices and chains, and for light iron castings, per ton	20 "
For cotton and other wools, drugs (except opium) and manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton	30 "
For opium, per chest	20 "
<i>Small Parcels.</i>	
For every parcel not exceeding seven pounds in weight, each	5 "
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, each	10 "
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, each	15 "
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, each	20 "
For any parcel exceeding fifty-six pounds in weight, such sums as the Company may think fit.	

Provided always that articles sent in large aggregate quantities, although made up in separate parcels such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

*Rules as to the Charges mentioned
in this Schedule.*

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton the Company may demand and take charges according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber, fourteen cubic feet of stone, fifty cubic feet of China Fir or Singapore Cedar, and forty feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

SCHEDULE C.

Form of Conviction.

Hongkong } Be it remembered that on the day of
to wit. { in the year of Our Lord 19 (A.B.)
is convicted before (C.D.) a Magistrate for
the Colony of Hongkong, [*here describe the offence generally and the
time and place when and where committed*] contrary to the Tramway
Ordinance, 1901.

Given under my hand and seal the day and year first above written.

C.D.

GOVERNMENT NOTIFICATION.—No. 313.

His Excellency the Officer Administering the Government has been pleased to appoint, provisionally and subject to His Majesty's pleasure, the Honourable THOMAS HENDERSON WHITEHEAD, to be an Unofficial Member of the Executive Council, until further notice.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 23rd May, 1902.

GOVERNMENT NOTIFICATION.—No. 314

The following Regulation is published.

Government Notification No. 300 of the 12th May, 1902, is hereby cancelled.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 21st May, 1902.

REGULATION

*Made by the Officer Administering the Government in Council,
under section 1 of The Trees Preservation Ordinance,
No. 14 of 1888, this 12th day of May, 1902.*

It is hereby ordered that an additional rate of four per cent. per annum, to take effect from the 1st day of July, 1902, be levied on the villagers of Tai Hang in consequence of the destruction of trees in that place and its neighbourhood.

R. F. JOHNSTON,
Acting Clerk of Councils.

COUNCIL CHAMBER,
HONGKONG.