

**Hong Kong.**

No. 695.

*Regulations made by the Governor in Council under section 5 of the Ferries Ordinance, 1917, Ordinance No. 28 of 1917, on the 20th day of November, 1930.*

The regulations set forth on pages 744-757 of the Regulations of Hong Kong, 1844-1925, under the heading "FERRIES", amended as appears in Government Notifications Nos. 309 of 1926, 633 and 720 of 1927, 584 and 585 of 1928 and 651 of 1929, are hereby rescinded and the following regulations are substituted therefor:—

**FERRIES.**

**1.**—(1) Section 3 of the Ferries Ordinance, 1917, is hereby declared to apply to the waters of the Colony.

(2) This declaration shall not have the effect of prohibiting the maintenance of any ferry between any single point in the waters of the Colony and any point or points outside the Colony.

(3) Any ferry point may be a point of radiation common to or used by more than one ferry.

**2.** These regulations shall apply to every ferry or group of ferries, and to every licence under the Ferries Ordinance, 1917, for the exclusive maintenance of any ferry or group of ferries.

**LICENSING OF FERRIES.**

**3.** Unless otherwise ordered by the Governor in Council, in any particular case, no such licence shall be granted unless it has been put up to public tender.

**4.** Subject to these regulations, the term for which any such licence shall be granted shall be three years or such longer period not exceeding fifteen years as shall be stated in the notice inviting tenders:

Provided that the Governor in Council may, for such reasons as he shall consider sufficient, at any time during the subsistence of any licence extend such licence for a period not exceeding twelve months at any one time: Provided further that such extensions together with the period for which the licence was granted shall not in any case exceed in the whole a period of eighteen years.

**5.** Every licence as aforesaid shall be for a ferry or group of ferries from and to particular points or piers, within particular localities or frontages. Such points or piers and localities or frontages shall be specified in the respective licences.

**6.** In every case of tender the notice inviting tenders, which shall be published in the Gazette, shall state—

- (a) the date on which the term is to commence;
- (b) the points or piers, and the localities or frontages within which such points or piers are;
- (c) the service to be provided;
- (d) the passenger fares and other charges which may be demanded and taken;
- (e) the security to be furnished by the successful tenderer;
- (f) whether a monthly rent, or a rent and/or royalty is to be offered; and
- (g) whether the tenders shall be sealed or open.

7. Every tender shall state the monthly rent offered, or the monthly rent and/or royalty, as the case may be. Rent shall be payable in advance on the 1st day of each month from the commencement of the term, and royalty, if any, shall be payable as specified in the relevant licence.

8. No tender shall offer any premium or consideration for the licence other than the monthly rent, or rent and/or royalty, as the case may be.

9. A deposit of \$1,000 shall be made to the Treasurer with each tender.

10. Every licence shall be granted by the Colonial Secretary who shall first obtain the approval of the Governor in Council.

11. The Colonial Secretary shall not be bound to accept the highest or any tender.

12. The deposit shall be returned in the case of every unsuccessful tender after notice of the non-acceptance of the tender shall have been posted to the Tenderer.

13. In the case of a successful tender the deposit shall not be returned, and the licence shall not be issued, unless and until the tenderer shall have furnished such security as may be required in the notice inviting such tender.

14. Such security shall be furnished within 14 days after the posting to the successful tenderer of a notice of acceptance of his tender.

#### CONDITIONS OF LICENCES.

15. Every licence granted to a successful tenderer shall be subject to the following conditions:—

- (i.) The licensee shall provide, by a date stated in the notice inviting tenders, ferry vessels of such number, dimensions and designs as shall be specified in such notice, or as may be otherwise agreed on. No ferry vessel shall be placed on the service until such vessel has been approved by the Harbour Master, and after such approval no alteration shall, without the permission of the Harbour Master, be made in any such ferry vessel while such vessel is employed on the service.
- (ii.) If during the subsistence of the licence it shall be necessary in the opinion of the Governor in Council to increase the number of ferry vessels or to substitute other ferry vessels for any which may have been lost or withdrawn, or become unsuitable, the licensee shall within such period as the Governor in Council may think fit, provide additional or substituted ferry vessels of such number, dimensions, speed and design as the Governor in Council may approve.
- (iii.) The licensee shall provide such an additional number of ferry vessels of approved dimensions, and design as shall be specified by the Governor in Council. Such additional ferry vessels shall be maintained as a reserve for the due maintenance, but not for the increase, of the ferry service.
- (iv.) The licensee shall maintain the ferry vessels in a state of seaworthiness and efficiency to the satisfaction of the Harbour Master.
- (v.) The licensee shall provide for each ferry vessel other than a ferry vessel in reserve, if a steam vessel, not less than two coxswains, two engineers, two stokers, and four seamen, and if a motor vessel, such personnel as the Harbour Master may direct.
- (vi.) The licensee shall publish a schedule, subject to the approval of the Harbour Master, stating the intended times of departure from every ferry point or pier.

- (vii.) The licensee shall forfeit to the Crown a sum of \$25 for each occasion that a ferry vessel is more than 15 minutes later than the schedule time in departing from any ferry point or pier, and an additional sum of \$25 for each additional period of 15 minutes after the first: provided that the delay or omission to run the ferry vessel is not due to accident or weather; and provided also that, unless in the opinion of the Harbour Master such delay or omission to run is wilful, the total penalty for each default, shall not exceed \$250.
- (viii.) The licensee shall forfeit to the Crown a sum of \$25 for each occasion that a ferry vessel departs before the schedule time: provided that the early departure is not due to accident or weather.
- (ix.) The service provided shall be for the carriage of [*Here insert 'passengers only', or 'passengers and (insert particulars)', as the case may be*].
- (x.) The service provided by the said schedule shall provide for not less than the following departures daily from each of the ferry points or piers:—  
*[Here insert the particulars appearing in the notice inviting tenders]*.
- (xi.) The licensee shall make use of, for the purposes of the ferry or group of ferries, the following ferry points or piers:—  
*[Here insert the particulars appearing in the notice inviting tenders]*.
- (xii.) Should the Governor in Council decide at any time during the subsistence of the licence, whether at the request of the licensee or of his own motion, to assign other ferry points or piers, or localities or frontages, for the use of a ferry in addition to or substitution for those hereinbefore specified the licensee shall be bound to include such points or piers in his service and to accept such localities or frontages, on terms to be agreed upon or failing agreement to be determined by arbitration under the provisions of these regulations.
- (xiii.) The licensee shall not assign or transfer his licence without the permission of the Governor in Council.
- (xiv.) The licensee may temporarily suspend his service or any part thereof while the black typhoon signals remain hoisted or when the weather conditions are such as to render its continuance unsafe.
- (xv.) This licence is subject to all regulations for the time being in force relating to ferries.

#### FARES AND CHARGES.

**16.** The licensee of a ferry or group of ferries shall not demand or take for passengers, vehicles, animals, packages, or things for which he is required to provide a service, fares or charges exceeding the fares or charges stated in his licence.

Nothing in this regulation shall be deemed to limit the right of a licensee to issue season tickets or punch tickets covering a number of journeys.

**17.** The licensee shall permit any passenger to take with him on a ferry vessel as free personal luggage such small baskets, bags, or parcels as he may be able to carry by hand. Save and except such free personal luggage the licensee shall only be bound to carry vehicles, animals, packages and things contemplated by the service to be provided. If he does carry other cargo he shall do so at rates not exceeding those (if any) specified in his licence in respect of such other cargo.

**18.** The licensee shall exhibit in a conspicuous situation in each class of every ferry vessel a list printed in the English and Chinese languages of all the fares and charges authorised to be taken.

## REGULATIONS AS TO PASSENGERS, &amp;c.

**19.** The purchase of a ticket shall not entitle any passenger to a passage by a particular ferry vessel or to travel in a superior class than that for which the ticket is issued if the class contains its authorised complement.

**20.** No person shall wilfully obstruct any person acting under the authority of the licensee in the lawful discharge of his duties.

**21.** No person shall travel or attempt to travel on any ferry vessel with intent to avoid payment of his fare or proper charges. All tickets issued in exchange for payment (with the exception of season tickets) must be handed over to be punched by the licensee's collector before embarkation of the passengers. In the cases where no tickets are issued in exchange for payment each passenger shall, before embarking, pass through the turnstile provided on the ferry pier.

**22.** No person shall use or attempt to use for the purpose of travelling on any ferry vessel any season ticket not originally issued to him or not intended, according to its terms of issue, to be available for his use for such purpose.

**23.** The licensee shall not carry or attempt to carry passengers in excess of the authorised complement of any ferry vessel.

**24.** The licensee shall not load any ferry vessel so as to cause danger to the vessel or persons on board.

**25.** No person shall travel or attempt to travel or bring or attempt to bring any vehicle, animal, package or thing whatsoever, on any ferry vessel after being requested not to do so by any servant of the licensee. No claim shall be made against such servant or against the licensee in respect of any such request if upon such investigation as the Harbour Master may see fit to make he decides that the request was reasonable.

**26.** No person shall trespass on any pier or part of a pier or other place exclusively reserved for a ferry.

**27.** While any ferry vessel is in motion, or otherwise than by the proper entrances or exits, no person other than a servant of the licensee shall alight or enter or attempt to alight or enter, or bring or remove or attempt to bring or remove any vehicle, animal, package or thing whatsoever, from, upon or to the vessel.

**28.** All persons holding tickets shall on demand show them and deliver them up to any servant of the licensee.

**29.** No person shall embark on or disembark from any ferry vessel from or to any sampan, boat, or other craft, if any other means of embarkation or disembarkation is provided.

**30.** No intoxicated person shall travel or attempt to travel on any ferry vessel.

**31.** No launch, sampan, boat, or other craft shall make fast to or use or embark or disembark passengers at any pier or part of a pier exclusively reserved for a ferry.

**32.** Except with the express permission of the Harbour Master the licensee shall not permit any ferry vessel to carry or tow any pigwash or offensive cargo.

## MAINTENANCE AND USER OF FERRY PIERS.

**33.** Piers employed for the purpose of a ferry shall be built (if necessary), adapted and maintained by the Government free of cost to the licensee who shall not, subject as hereinafter provided, be required to make any payment for the use or repair thereof: Provided that in the event of any damage being caused to any pier or any structure erected thereon by the licensee his servants or vessels, other than fair wear and tear, of which the Director of Public Works shall be the judge, then the licensee shall, on demand by the Director of Public Works, forthwith pay into the Colonial Treasury the amount of such damage as shall be certified by the Director of Public Works. Such piers shall be provided by the Government with such barriers, gates, turnstiles, ticket

offices, and other superstructure as may be necessary for the efficient working of the ferry. Nothing in these regulations contained shall be deemed to require the provision by the Government of a pier at each ferry point

#### INSUFFICIENT FERRY SERVICE.

**34.** If it shall be represented in writing to the Governor in Council by the Harbour Master or by 50 inhabitant rate-payers that the public are not afforded the full benefit of a ferry, the Governor in Council may (if satisfied that *primâ facie* the case is one for inquiry) appoint a person to inquire into the matter and report thereon, and if the truth of the representation shall be proved, the Governor in Council may issue an order to the licensee requiring him to provide such a service as will afford to the public the full benefit of the ferry, and such order may prescribe the number of ferry vessels which the licensee shall run and the times at which they shall be run. Every such order shall be posted to the licensee at his last known address and published in the *Gazette*: 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 licensee; and that, after the licensee shall have complied with such order for not less than 30 days, the Governor in Council may on the application of the licensee revoke or modify any such order.

**35.** If, for the period of three months after the posting of such order and its publication in the *Gazette*, the licensee shall fail or neglect to comply therewith, the ferry shall be deemed to have been discontinued and shall be dealt with accordingly.

#### DISCONTINUANCE OF A FERRY.

**36.**—(1.) If in the opinion of the Governor in Council the licensee shall have discontinued the working of the ferry or any part thereof for a period of fourteen days, the Governor in Council may by order declare that the powers and privileges of the licensee in respect of the ferry or part thereof so discontinued shall from the date of the order be at an end, and thereupon all the powers and privileges of the said licensee in respect of the said ferry or part thereof shall cease and determine.

(2.) If in the opinion of the Governor in Council the licensee shall have discontinued the working of the ferry or any part thereof for any period whatsoever, it shall be lawful for the Governor in Council notwithstanding the subsistence of such licence to make such arrangements as he may think fit in the public interest for the temporary maintenance of such ferry or part thereof.

(3.) Any net loss incurred by or on behalf of the Government in consequence of the making of any such arrangement as is contemplated in paragraph (2) of this regulation shall be recoverable by the Government from the licensee.

(4.) The fact that any such arrangement as is contemplated in paragraph (2) of this regulation has been made shall not prevent the running of the period of fourteen days referred to in paragraph (1) of this regulation.

(5.) This regulation shall not apply to any discontinuance which in the opinion of the Governor in Council is due to circumstances beyond the control of the licensee, but the want of sufficient funds shall not for the purpose of this regulation be deemed to be a circumstance beyond the control of the licensee.

#### INSOLVENCY OF THE LICENSEE.

**37.** If it appears to the Governor in Council that the licensee is insolvent so that he is unable to maintain his ferry or any part thereof or to work the same with advantage to the public, the Governor in Council may inquire into the financial affairs of the licensee, and, if satisfied that the licensee is so insolvent as aforesaid, may by order declare that the powers and privileges of the licensee shall at the expiration of three months from the making of the order be at an end, and the powers and privileges of the licensee shall cease and determine at the expiration of the said period.

#### PURCHASE OF FERRIES.

**38.** The Governor in Council may, at the expiration of the term of the licence, or on the determination of the powers and privileges of the licensee under the foregoing

regulations, or at any time during the subsistence of the licence on giving six months notice in the *Gazette*, require the licensee to sell, and thereupon the licensee shall sell, to the Government his undertaking and all ferry vessels, materials, plant, and equipment suitable to and used by the licensee for the undertaking for and in consideration of the then value of the same without any addition in respect of goodwill, compulsory purchase, expectation or possibility of renewal, or of any profits which might have been made from the undertaking: Provided that if such notice is given during the subsistence of the licence, the amount payable for the ferry vessels, materials, plant, and equipment shall be not less than the original value of the same when acquired by the licensee less an allowance in respect of reasonable wear and tear. In the case of difference, the value shall be determined by arbitration.

#### ARBITRATION.

39. Every arbitration under these regulations shall be heard and determined by a board of arbitrators which shall in each case consist of three members and be constituted in manner following:—

- (i.) The chairman of the board shall be such judge as the judges may mutually arrange.
- (ii.) The two other members of the board shall consist of one member to be nominated by the Governor and the other by the licensee: Provided always that the member nominated by the Governor may be any member of the Colonial Civil Service.
- (iii.) Notice in writing of the nomination by the Governor of a member of the board shall be forthwith given to the licensee and shall be published in the *Gazette*, and if he does not nominate a member of the board within seven days from the date of such publication, it shall be lawful for the chairman to nominate and appoint any person, other than a member of the Colonial Civil Service, on behalf of such owner.

40.—(1.) The constitution of any board shall be notified in the *Gazette* and within 14 days from such notification it shall commence its sittings at such time and place as the chairman may appoint.

(2.) The Governor may appoint some person to act as clerk to a board and the Governor in Council shall determine his remuneration.

(3.) The remuneration of any member of a board shall be at a rate according to the amount of work, the time occupied, and the magnitude of the interests involved, and shall be determined in each case by the chairman at the conclusion of the arbitration: Provided that nothing herein shall authorise the payment of remuneration to a public servant who is not permitted to receive remuneration as a member of a board.

#### TEMPORARY LICENCES.

41. Notwithstanding anything contained in these regulations, it shall be lawful for the Harbour Master to grant a temporary licence, subject to such conditions as he may think fit, for the maintenance of any ferry during such period as may be required for the steps necessary for the issuing of a regular licence as contemplated by these regulations.

#### NON-PAYMENT OF RENT OR ROYALTY.

42. If a licensee of any ferry, in respect of which rent or royalty is payable, fails to pay any instalment of the rent or royalty when due, it shall be lawful for the Governor in Council by order to declare that the powers and privileges of the licensee in respect of the said ferry shall, upon a date specified in the said order, cease and determine; and all the said powers and privileges of the said licensee shall absolutely cease and determine at midnight on the said date.

D. W. TRATMAN,  
Clerk of Councils.

COUNCIL CHAMBER,

20th November, 1930.