

## LEGISLATIVE COUNCIL.

No. S. 358.—The following Bills were read a first time at a Meeting of the Council held on the 7th December, 1911 :—

### A BILL

ENTITLED

#### An Ordinance to amend the Ordinance relating to Public Health and Buildings.

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

Short title.      **1.** This Ordinance may be cited as the Public Health and Buildings Amendment Ordinance, 1911.

Amends section 8 of Ordinance No. 1 of 1903 as amended by section 4 of Ordinance No. 14 of 1908.      **2.** Section 8 of the Public Health and Buildings Ordinance 1903 as amended by section 4 of the Public Health and Buildings Amendment Ordinance 1908 is hereby further amended by the deletion of the words "such persons as are included in the special and common Jury Lists, and also by such persons as are exempt from serving on juries on account of their professional avocations or on account of their being Members of Council or on account of infirmity or of their being over the age of sixty years" and by the substitution therefor of the words "such persons as are included in either of the Jurors Lists referred to in section 7 (3) of the Jury Ordinance 1887 and also by the following persons exempted from serving as jurors, that is to say, unofficial members of Council; barristers and solicitors on the roll of the Supreme Court; duly qualified medical practitioners; dentists in actual practice in the Colony; persons registered under the Pharmacy Ordinance 1905; clergymen of the Church of England, Roman Catholic priests, ministers of any congregation of Protestant dissenters or of Jews functioning in the Colony; the masters of any school in the Colony; the editors, sub-editors and reporters of any daily newspaper published in the Colony; pilots licensed under the Pilots Ordinance 1904; and persons of sound mind who have previously been included in either of the said Jurors Lists but have been subsequently removed therefrom on account of age or infirmity".

Amends section 188 of Ordinance No. 1 of 1903 as amended by Ordinance No. 14 of 1908.      **3.** Section 188 of the Public Health and Buildings Ordinance 1903 as amended by section 57 of the Public Health and Buildings Amendment Ordinance 1908 is hereby further amended as follows :—

(a.) in sub-sections (1), (2) and (3) thereof by the deletion of the word "fronts" and by the substitution therefor of the word "abuts".

(b.) in sub-section (4) thereof by the deletion of the word "on" in the last line thereof and by the substitution therefor of the word "upon" and further by the deletion of the word "fronts" and by the substitution therefor of the word "abuts".

(c.) by renumbering sub-section (5) thereof as sub-section (6).

(d.) by inserting after sub-section (4) thereof the following new sub-section :—

"(5.) No building which does not fall within the provisions of sub-sections (1), (2), (3) or (4) of this section shall be erected or re-erected or raised to a height exceeding such height as the Building Authority may authorise."

Amends section 189 of Ordinance No. 1 of 1903.      **4.** Section 189 of the Public Health and Buildings Ordinance 1903 is hereby repealed and there shall be substituted therefor the following sections :—

“188 A. In the event of any building being here-  
after erected or re-erected on a corner site so  
as to abut upon more than one street the height  
of such building shall be regulated by the  
wider of such streets so far as it abuts or will  
abut upon such wider street and also so far as  
it abuts or will abut upon the narrower of such  
streets to a distance of forty feet from the  
wider street.

Height of  
buildings on  
corner sites.

189.—(1.) Wherever it is possible to do so the height  
of any building shall be determined by measur-  
ing on the line of the wall abutting upon a  
street, from the level of such street, the full  
vertical height allowed by the foregoing sec-  
tions. Such full vertical height shall also be  
measured from the level of such street on the  
line of the nearest main wall opposite to the  
wall abutting on the street. From the points  
thus determined on the two walls lines shall  
be drawn at angles of thirty degrees with the  
horizontal, and any part of the building (except  
any chimney or party wall, or any ornamental  
tower, turret, or other architectural feature or  
decoration, or any parapet not exceeding three  
feet in height) falling outside such lines shall  
be deemed illegal. Provided always that in the  
case of any existing building which exceeds  
in height one and a half times the width of  
the street upon which it abuts, the structure  
of the roof, or any part thereof, shall not be  
so altered or added to that any portion of  
such structure will fall outside lines drawn at  
angles of thirty degrees with the horizontal  
from points determined by measuring a full  
vertical height equal to one and a half times  
the width of such street on the lines of the  
main walls in the manner described in this  
sub-section.

Method of  
determina-  
tion of  
height of  
buildings.

- (2.) In the event of the street on which a build-  
ing abuts not being level throughout the extent  
of such building, the height shall be measured  
from the central point of the external face of  
the wall abutting on such street.
- (3.) In any case which does not fall within the  
foregoing provisions the height of the build-  
ing shall be determined in such manner as the  
Building Authority may direct.”

*Objects and Reasons.*

*Clause 2* is introduced in order more effectually to carry  
out the intention of the Legislature which was to confine  
the electors of the two elected members of the Sanitary  
Board to those who are special or common jurors and to  
those who would be jurors but for the nature of their  
avocations or for age or infirmity. In the clause as now  
drafted this intention is carried out save that persons  
holding offices of emolument under the Crown and Military  
officers are omitted as they and their views are amply  
represented by the official and appointed members of the  
Board.

*Clauses 3 and 4* are intended to remove doubts which  
have arisen in consequence of the use of the word “fronts”  
in section 188 and of the word “abuts” in section 189 and  
also to make it clear how the height of a corner building  
abutting on streets of different widths is to be determined.

C. G. ALABASTER,  
*Attorney General.*

A BILL

ENTITLED

An Ordinance to amend the Statute Laws (New Revised Edition) Ordinance, 1911.

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

Short title.      1. This Ordinance may be cited as the Statute Laws (New Revised Edition) Amendment Ordinance, 1911.

Amends section 4 of Ordinance No. 19 of 1911.      2. Sub-section (iii) of section 4 of the Statute Laws (New Revised Edition) Ordinance is hereby amended by the deletion of the word "minor".

Amends section 7 of Ordinance No. 19 of 1911.      3. Section 7 of the Statute Laws (New Revised Edition) Ordinance, 1911, is hereby amended by the deletion of the words :—

“shall be comprised in two Volumes, which shall include all the Ordinances in force down to the end of the year 1910, together with such of the Ordinances passed in the year 1911”

and by the substitution therefor of the words :—

“shall comprise the Ordinances in force on the 31st day of December, 1911, as amended by any Ordinance passed in the year 1912, which shall have been drafted by the Editor in connection with the preparation of the said Edition. The said Edition shall be comprised in two Volumes which shall include the Ordinances of the years 1844 to 1910 inclusive together with such of the Ordinances of the year 1911”.

Repeals sections 9, 10, and 11 of Ordinance No. 19 of 1911 and substitutes new sections.      4. Sections 9, 10 and 11 of the Statute Laws (New Revised Edition) Ordinance, 1911, are hereby repealed and there shall be substituted therefor the following sections :—

Provision for the preservation of Ordinances as passed and of Revised Edition for purposes of record and proof.

“9.—(1) The Statute Law Preservation Ordinance, 1886, is repealed.

(2.) A copy of this Ordinance and of all Ordinances passed after the commencement of this Ordinance, certified under the hand of the Governor and the seal of the Colony shall, as soon as conveniently may be after they have been passed by the Legislative Council and assented to by the Governor, be transmitted by the Clerk of Councils to the Registrar of the Supreme Court, who shall carefully preserve them for record together with the collection of Ordinances of the Colony from the commencement thereof down to and inclusive of Ordinance No. 30 of 1886 and the sealed copies of all the Ordinances subsequent to Ordinance No. 30 of 1886 already preserved in the Registry.

(3.) All such sealed copies and all the copies contained in the said collection shall be deemed to be the originals.

(4.) The Registrar shall also obtain and carefully preserve a copy of the Revised Edition.

(5.) In so far as there are variances between the Revised Edition and the aforesaid originals in the case of Ordinances passed up to the end of the year 1901 such originals shall be deemed to have been amended by and such variations shall be deemed to have been authorised by the Statute Laws (Revised Edition) Ordinance, 1900.

(6.) Such originals and the Ordinances contained in the Revised Edition shall be proved by certified copies thereof, or, by order of a judge, by the production thereof by the Registrar. Subject however to objection being taken any such original or any Ordinance contained in the Revised Edition may be proved by the production of a copy of the *Gazette* or of a copy of any collection of Ordinances, purporting to be printed by the Government Printers, containing a copy of such original or by the production of a volume of the Revised Edition, purporting to be impressed on the title page thereof with the seal of the Colony, containing such Ordinance.

(7.) Any person shall be entitled to inspect any such originals or the copy of the Revised Edition preserved by the Registrar of the Supreme Court as aforesaid during the office hours of the Registry on payment of twenty-five cents for each inspection not exceeding three hours, and to take copies or extracts therefrom for certification by the Registrar, on payment of twenty-five cents per folio of seventy-five words for each copy or extract.

10.—(1.) The Statute Laws (Revised Edition) Ordinance, 1900, is repealed.

Repeal of Ordinance No. 12 of 1900 from date of proclamation of New Revised Edition.

(2.) This section shall come into force at the same time as the proclamation referred to in section 8.

11. From and after the date of such proclamation the New Revised Edition shall be deemed to be, and shall be, without any question, in all Courts of Justice and for all other purposes whatsoever the sole and only proper Statute Book of the Colony up to the date of the latest of the Ordinances contained therein. From and after the said date in so far as there may be variances between the Ordinances contained in the New Revised Edition and the Ordinances contained in the Revised Edition or between the New Revised Edition and the originals preserved by the Registrar of the Supreme Court of Ordinances passed during the period between the commencement of the year 1902 and the end of the year of 1911 the Ordinances contained in the Revised Edition and the Ordinances passed during the said period shall be deemed to have been amended by and such variations shall be deemed to have been authorised by this Ordinance :

Validity and operation of New Revised Edition.

Provided that nothing in this section shall effect the operation of any Ordinance which may be passed, before the issue of such proclamation, for the repeal, alteration or amendment of any earlier Ordinance after such Ordinance has been printed in the Revised Edition."

#### *Objects and Reasons.*

When Ordinance No. 19 of 1911, which was drafted by the Editor now engaged in the preparation of the New Revised Edition of the Ordinances, was passed it was intended to make that edition the statute book for general use, in much the same way as the Law Reports Statute or the Revised Statutes are in general use in England; but it was not intended to make the edition incapable of challenge. It is true that Ordinance No. 12 of 1900 made the Revised Edition the sole and only proper statute book of the Colony but an enactment to that effect was absolutely necessary in the case of the Carrington edition because the Editor of that edition used the powers conferred by Ordinance No. 12 of 1900 to their full extent and that Ordinance was not followed by a series of Special Revision Ordinances author-

ising the alterations in detail. In the Piggott edition the Editor's authority to revise is not derived solely from Ordinance No. 19 of 1911. In addition to that there are or will be a series of Special Revision Ordinances authorising the change in detail, this series comprises Ordinances Nos. 15, 24, 25, 28, 30, 31 and 36 together with the Law Revision, the Law Amendment, and the General Revision Ordinances recently passed and others now in course of preparation. However the Colony has grown accustomed to a "sole and only" statute book and there are many obvious advantages in such a book, therefore on a re-consideration of the question and at the suggestion of His Majesty's Secretary of State for the Colonies it has been decided to make the New Revised Edition the sole and only proper statute book of the Colony. At the same time it is desirable to make provision for the preservation of all the original statutes and to make them available for use in Court and elsewhere in cases in which, as often happens, it is necessary to refer to repealed enactments. This decision has made it necessary that sections 9, 10 and 11 of Ordinance No. 19 of 1911 should be entirely rewritten and re-enacted. It will be noticed that clause 2 of this Bill authorises the deletion of the word "minor" from the section of Ordinance No. 19 of 1911 which permitted the Editor to make minor grammatical amendments. The word is one which immediately introduces controversy and the Editor has asked that it should be deleted. As has already been stated it is intended that all actual amendments will be already authorised in one or other of the Ordinances in the Special Revision series and the retention of the word "minor" becomes unnecessary. The editor does not intend to make any grammatical amendments which will alter the sense or to make any to which in his opinion the word "minor" does not properly apply, but he would naturally prefer that controversy should be avoided by the deletion of that word. The amendment to section 7 is due to the fact that some of the Revision Ordinances cannot be passed until the year 1912.

C. G. ALABASTER,  
*Attorney General.*

## NOTICES.

### COLONIAL SECRETARY'S DEPARTMENT.

**No. S. 359.**—Returns of the Average Amount of BANK NOTES in Circulation and of Specie in Reserve in Hongkong, during the month ended 30th November, 1911, as certified by the Managers of the respective Banks:—

| BANKS.  | AVERAGE<br>AMOUNT. | SPECIE<br>IN RESERVE. |
|---|--------------------|-----------------------|
|   | \$                 | \$                    |
| Chartered Bank of India, Australia and China, ..... | 5,378,474          | 4,000,000             |
| Hongkong and Shanghai Banking Corporation, .....    | 20,619,617         | 9,000,000             |
| TOTAL, .....\$                                      | 25,998,091         | 13,000,000            |