

LEGISLATIVE COUNCIL.

No. S. 301.—The following Bills were read a first time at a meeting of the Council held on the 1st September, 1938:—

[No. 10:—13.5.37.—2.]

A BILL

INTITULED

An Ordinance to amend the Female Domestic Service Ordinance, 1923.

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

Short title. **1.** This Ordinance may be cited as the Female Domestic Service Amendment Ordinance, 1938.

Amendment of Ordinance No. 1 of 1923, s. 3. (a) (i) and (ii). **2.** Section 3 (a) of the Female Domestic Service Ordinance, 1923, is amended by the insertion of the words “under the age of eighteen years” after the words “female domestic servant” in the first lines of paragraphs (i) and (ii).

Amendment of Ordinance No. 1 of 1923, s. 5. **3.** Section 5 of the Female Domestic Service Ordinance, 1923, is amended by the substitution of the word “twelve” for the word “ten” in the second line and also in the marginal note.

Amendment of Ordinance No. 1 of 1923, s. 10. **4.** Section 10 of the Female Domestic Service Ordinance, 1923, is amended by the deletion of the words “under the age of eighteen years” in the second and third lines.

Amendment of Ordinance No. 1 of 1923, s. 15. **5.** Section 15 of the Female Domestic Service Ordinance, 1923, is amended by the substitution of the word “twelve” for the word “ten” in the fourth line and also in the marginal note.

New sub-section (4) added to Ordinance No. 1 of 1923. Ordinance No. 22 of 1929, Ordinance No. 23 of 1936. **6.** Section 18 of the Female Domestic Service Ordinance, 1923, (as enacted by section 7 of the Female Domestic Service Amendment Ordinance, 1929, and amended by section 2 of the Female Domestic Service Amendment Ordinance, 1936) is amended by the addition of the following sub-section at the end thereof:—

Ordinance No. 41 of 1932. (4) Notwithstanding anything contained in section 20 of the Magistrates Ordinance, 1932, any complaint or information in respect of an offence against section 4A may be made or laid at any time.

Objects and Reasons.

1. The Mui Tsai Commission recommended at pages 116 and 117 of their Report that the employment of a female under twelve years as a domestic servant should be prohibited by law, that the six months time limit for prosecutions for the offence of bringing an unregistered Mui Tsai into the Colony should be removed and that a Mui Tsai shall cease to be a Mui Tsai on reaching the age of eighteen.

2. The object of this Bill is to implement these recommendations, other recommendations are being dealt with in other Bills or by amendments to the regulations and administrative action.

J. A. FRASER,
Attorney General.

August, 1938.

[No. 11 :—13.5.37.—2.]

A BILL

INTITULED

An Ordinance to repeal and replace section 45A of the Offences Against the Person Ordinance, 1865, as enacted by the Offences Against the Person Amendment Ordinance, 1929.

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

Short title.

1. This Ordinance may be cited as the Offences Against the Person Amendment Ordinance, 1938.

Substitution for Ordinance No. 2 of 1865, s. 45A. as enacted by Ordinance No. 13 of 1929, s. 3.

2. Section 45A of the Offences Against the Person Ordinance, 1865, as enacted by section 3 of the Offences Against the Person Amendment Ordinance 1929, is repealed and the following section is substituted therefor :—

Unlawful transfers of possession custody or control of other persons for valuable consideration.

45A (1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of any other person for any valuable consideration shall be guilty of a misdemeanor and shall be liable to imprisonment for any term not exceeding two years.

(2) Every person shall be guilty of a misdemeanor and liable to imprisonment for any term not exceeding two years, who without lawful authority or excuse harbours or has in his possession, custody or control any person with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or without the Colony.

(3) Nothing in this section shall be construed as affecting the customary giving or receiving of presents on occasions of *bonâ fide* betrothals, weddings or adoptions.

(4) No prosecution under this section shall be instituted without the consent of the Secretary for Chinese Affairs: Provided that such consent shall not be necessary for the arrest of any person suspected of having contravened this section.

Objects and Reasons.

1. The Mui Tsai Commission at pages 34, 35, 56, 116 (5) and 117 (6) of their Report recommended the revision of section 45A of Ordinance No. 2 of 1865 so as to remove the limitation which restricts its operation to minors, to alter the method of expressing the exclusion of marriage and adoption from the scope of the section, and to remove from offences of this nature the six months time limit for prosecutions imposed by section 20 of the Magistrates Ordinance, 1932 for the trial of offences which are not indictable.

2. This Bill repeals section 45A with these recommendations in view.

3. The offences are made misdemeanors and the maximum term of imprisonment is raised to two years. The alternative of a fine or recognizances is already provided in section 61 of the Offences Against the Person Ordinance, 1865. The offence though made indictable may still be dealt with summarily under section 84 of Ordinance No. 41 of 1932.

4. The restriction of the operation of the section to minors is removed, and the method of expressing the exclusion of adoption or marriage etc. has been altered.

5. Sub-sections (1) and (2) are made to apply to temporary as well as permanent transfers so as to cover more clearly transactions which partake of the nature of a pledge.

6. Sub-sections (3), (4), (5) and (6) as enacted in 1929 are omitted as in view of the redraft they do not appear necessary.

7. The consent of the Secretary for Chinese Affairs to prosecutions is substituted for the consent of the Attorney General. Compare Ordinance No. 1 of 1923, s. 19.

J. A. FRASER,
Attorney General.

August, 1938.

[No. 24/37 :—26.8.38.—8.]

A BILL

INTITULED

An Ordinance to provide for and regulate the supply of water.

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

Short title. **1.** This Ordinance may be cited as the Waterworks Ordinance, 1938.

Interpretation of terms.

Interpreta-
tion.

2. In this Ordinance—

Water
authority.

(a) “water authority” means the Director of Public Works or such other person as the Governor may appoint to administer, manage or supervise the waterworks or water supply, and includes the executive engineer for the time being in charge of the waterworks;

Authorized
officer.

(b) “authorized officer” includes the water authority and any person subordinate to him authorized by the Governor to perform any of the functions of the water authority;

Water-
works.

(c) “waterworks” includes all gathering grounds, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, and which have been constructed by or on behalf of the Government and are the property thereof, or which shall hereafter be used or constructed by the water authority;

Gathering
ground.

(d) “gathering ground” means any surface of land or otherwise which collects the rainfall for the purposes of the waterworks;

Consump-
tion.

(e) “consumption” means any quantity of water ascertained by meter as having been used;

Chargeable
water.

(f) “chargeable water” means—

(i) in the case of any premises entitled to a free allowance of water, any consumption in excess of such free allowance;

(ii) in the case of any premises not entitled to a free allowance of water, the total consumption;

(g) "shipping supply" includes any consumption delivered to piers, wharves or sea-walls, or to any vessel, including any water boat, lying at or near any pier, wharf or sea-wall; Types of supply.

"construction supply" includes any consumption in connexion with the construction, alteration or repair of any premises;

"trade supply" includes any consumption in connexion with any trade, manufacture or business, other than shipping or construction supplies;

"domestic supply" includes any consumption in premises used solely as dwellings, and in which no trade, manufacture or business is carried on;

(h) "premises" includes any structure, building or part of a building, land without buildings, or any pier, sea-wall or wharf in the waters of the Colony; Premises.

(i) "consumer" includes any person or persons or corporate body supplied or applying to be supplied with or using water from the waterworks, or who is liable for the payment of rates, or moneys due or to become due under this Ordinance; Consumer.

(j) "rate" includes any water rate imposed or which may be imposed under this Ordinance or the Rating Ordinance, 1901; Rate.
Ordinance
No. 6 of
1901.

(k) "month" means calendar month; Month.

(l) "quarter" means any three consecutive months; Quarter.

(m) "main" includes any pipe owned and maintained by the water authority, including "connexions to the main"; Main.

(n) "connexion to the main" includes the stop cock and length of piping between such stop cock and the main; Connexion
to the
main.

(o) "inside service" includes all pipes and fittings beyond the connexion to the main; Inside
service.

(p) "fittings" includes all taps, stop cocks, ball cocks, cold water cisterns, hot water apparatus, flushing apparatus, or any other apparatus or appliances used on an inside service in connexion with the supply of water from the waterworks, except meters; Fittings.

(q) "public standpipe" includes any fountain, standpipe, valve, tap or appliance provided and maintained by the water authority for the purpose of supplying water to the public; Public
standpipe.

(r) "meter" includes any appliance or device used to measure, ascertain or regulate the amount of water taken or used from the waterworks; Meter.

(s) "fire service" includes any pipes and fittings used for the sole purpose of supplying water to premises to combat fire; Fire
service.

(t) "water boat" includes any vessel licensed by the Harbour Master to take water from the waterworks; Water boat.

(u) "licensed plumber" includes any person or persons or corporate body licensed by the water authority to construct, alter or repair inside services or fire services connected with or to be connected with the waterworks. Licensed
plumber.

Administration of waterworks.

Custody and
administration
of
waterworks.

3. The water authority shall have the custody and administration of the waterworks and of the water therein and the management of the supply or distribution of such water, subject to the general authority of the Governor in Council.

Appointment
of officers.

4. The Governor shall appoint suitable officers to carry out the provisions of this Ordinance, who shall be under the control of the water authority, subject to the general authority of the Governor.

Powers of the water authority.

Power to
disconnect
an inside
service.

Ordinance
No. 6 of
1901.

5. It shall be lawful for the water authority to disconnect from the waterworks the inside service to any premises without prejudice to any water rate, meter rent or other sums due or to become due under this Ordinance or the Rating Ordinance, 1901—

(a) unless the consumer shall give an undertaking to pay monthly to the Treasurer (or at such other periods as the Treasurer may authorize) the amount due for chargeable water and annually the amount due for meter rent as ascertained in accordance with the provisions of any regulations made under this Ordinance, within a period of fourteen days from the date of notice in writing to do so having been served on him by the water authority, or within such extended period as may be conceded by the water authority;

(b) if default is made in the payment of any deposit requested by the water authority or of any moneys due under this Ordinance from the consumer, for so long as the default continues;

(c) if the construction, alteration or repair of any inside service by a consumer is not carried out in accordance with the provisions of this Ordinance or with any of the regulations made thereunder; or if the construction, alteration or repair of any inside service is carried out without the approval of the water authority;

(d) if any consumer is found to be wilfully or negligently wasting water supplied from the waterworks through the inside service to his premises; or

(e) if any act or thing is done or omitted contrary to the provisions of this Ordinance in relation to any damage, alteration, pollution or abuse of the waterworks or of any inside or fire service.

Power of
entry into
premises.

6. It shall be lawful for the water authority or any person duly authorized in writing by him, at any reasonable time or in the case of urgency at any time, for the purposes hereinafter mentioned to enter into and upon any premises into or upon which any inside service has been laid for the supply of water from the waterworks, namely—

(a) to inspect any inside service and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any inside service or meter therein and anything in connexion therewith;

(b) to regulate or repair any inside service or meter;

(c) to ascertain the consumption; or

(d) to disconnect the inside service to any premises or to diminish, withhold or suspend, stop, turn off or divert the supply of water to any premises through or by means of any inside service either wholly or in part.

7. It shall be lawful for the water authority to restrict, diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any main, inside service or public standpipe, either wholly or in part, whenever the water authority may think fit, and without prejudice to any water rate, meter rent or other sums due or to become due under this Ordinance, and without compensation for any damage or loss which may result—

Power to restrict, suspend, etc., the supply of water.

(a) whenever the available supply of water from the waterworks shall in the opinion of the water authority be insufficient;

(b) whenever it may be expedient or necessary for the purpose of extending, altering, testing or repairing the waterworks or for the purpose of the connexion of inside or fire services;

(c) whenever any public standpipe is damaged or the waters thereof are polluted or wasted;

(d) in case of an outbreak of fire; or

(e) in case of a breakdown in the waterworks.

8. It shall be lawful for the water authority to fix public standpipes together with the connexions to the waterworks in or over any lane or street over land held under lease from the Crown.

Power to fix public standpipes in private streets.

9. It shall be lawful for the water authority to fix the amount of and to demand in advance deposits from consumers to cover the amount due or to become due for meter rent and for chargeable water at any premises and for work to be carried out by the water authority at the cost of a consumer. Such deposits may be held by the Treasurer for such time as the water authority shall direct and shall bear no interest.

Power to demand deposits.

[*cf.* Ordinance No. 15 of 1930.]

Inside services.

10. Any consumer may arrange with a licensed plumber to construct an inside service in premises for the supply of water from the waterworks. The construction of the inside service and the nature, size and quality of the materials and fittings shall be in accordance with regulations made under this Ordinance and on the completion thereof to the satisfaction of the water authority it shall be connected by the water authority to the waterworks subject to payment of the charges for such connexion as laid down in such regulations and subject to the consumer giving the undertaking required by section 5 :

Construction and connexion of inside services.

Provided that, except when so directed by the Governor in Council, the water authority shall be under no obligation to connect with the waterworks the inside services of any premises which are more than two hundred yards from a main, or which are at an altitude higher than that to which water from the waterworks can be supplied by gravitation :

Provided also that nothing in this section shall be deemed to restrict the drawing of water by any person from public standpipes in districts where public standpipes are provided.

Cost by whom borne.

11. The cost of constructing, altering or repairing all inside services shall be borne by the consumer.

Inside services may be repaired by water authority.

12. The water authority may, in his discretion, repair any part of an inside service at the request of a consumer, and on completion thereof the consumer shall pay the cost of the repair at such time and place as may be prescribed by regulations made under this Ordinance.

Connexion to the main to be part of the waterworks.

13. In the case of any existing inside service or of any inside service that may hereafter be constructed, the connexion to the main shall be a part of the waterworks.

Inside services to be metered.

14. All water supplied to premises through inside services shall be measured by meter as described in regulations made under this Ordinance.

Gathering grounds.

Mapping of gathering grounds.

15. The Governor shall cause the limits or areas of all existing gathering grounds to be mapped and thereafter no land not then already leased by the Crown shall be granted, demised or sold within such limits or areas for any purpose whatsoever :

Provided that, if the water authority be satisfied that it is practicable to drain any land situated either wholly or partially within the limits of any gathering ground in such a way as to prevent any portion of the waterworks becoming contaminated, the Governor may grant, demise or sell such land, subject to such conditions and restrictions as to drainage as may be deemed advisable.

A map showing clearly such limits and areas shall be made and kept for public reference in the office of the water authority.

Establishment of new gathering grounds.

16. Whenever the Governor in Council decides that a gathering ground is required for the purpose of extending or augmenting the water supply, the water authority shall cause the limits or area thereof to be mapped as in section 15, and thereafter, if in the opinion of the Governor in Council any land held under lease from the Crown within such area is required for any purpose connected with the waterworks, including the protection thereof from contamination, such purpose shall be deemed to be a public purpose within the meaning of the Crown Lands Resumption Ordinance, 1900.

Ordinance No. 10 of 1900.

Moneys due.

Recovery of moneys.

17. All moneys, other than penalties or fines, payable or recoverable under this Ordinance shall be recoverable at the suit of the Treasurer in the summary jurisdiction of the Supreme Court together with interest thereon at a rate not exceeding eight per cent. per annum, and any judgment given or order made shall be enforced in the same manner in which any judgment or order may be enforced in any other action in the Supreme Court.

18. In any such action a certificate under the hand of the water authority that any sum of money is due shall in the absence of evidence to the contrary be conclusive evidence of such debt and of the non-payment thereof.

Proof of
moneys
due.

19. No consumer shall be entitled to set off consumption in any one quarter, month or other period against a less amount used in any other quarter, month or period.

Payments
for charge-
able water
to be final.

Offences and penalties.

20. Every person who wilfully or negligently misuses or wastes or allows to be misused or wasted any water supplied from the waterworks either through a metered service or public standpipe shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Waste.

21. Every person who in any public street, road or lane washes clothes at or near a public standpipe with water therefrom shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Washing
clothes near
public
standpipes.

22. Every person who wilfully or negligently injures the waterworks, or unlawfully draws off, diverts or takes water from the same or from any stream or waters by which the waterworks are supplied, or alters or causes or permits any inside service to be altered without the approval of the water authority, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Injury or
alteration
of water-
works or
inside
services.

23. Every person who alters or causes or permits to be altered any inside service with intent to avoid the accurate measurement of water by means of any meter, or who wilfully or negligently interferes with or injures any meter, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars and any inside service so altered or meter so injured or interfered with shall be replaced or repaired by the water authority and the cost of such replacement or repair may be recovered upon the order of a magistrate from the person convicted in the same manner as a fine.

Fraudulent
measure-
ment.

24. Every unauthorized person who interferes with or opens or shuts any valve or hydrant or stop cock belonging to the waterworks shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Inter-
ference with
valves, etc.

25. Every person who takes any water from the waterworks except through a metered inside service or from a public standpipe without the permission of the water authority shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Water to be
taken only
through
metered
inside
services or
public stand-
pipes.

26.—(a) Every person who deposits or allows to be deposited any earth, material or liquid in such manner or place that it may be washed, fall or be carried into the waterworks shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, and if such earth, material or liquid is allowed to remain so deposited after notice in writing from the water authority requiring it to be removed has been given to such person he shall be liable to a further fine not exceeding twenty-five dollars for each day during which the offence continues.

Pollution.

(b) Every person who bathes, washes his person or enters in any part or any water of the waterworks, or washes, throws or causes to enter therein any creature, alive or dead, or any thing, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Penalties
for breaches
not provided
for.

27. Every breach of this Ordinance or any regulation thereunder for which no penalty is by this Ordinance otherwise expressly provided shall be punishable on summary conviction by a fine not exceeding two hundred and fifty dollars.

Water
authority
may be
represented
by an
authorized
officer.

28. In any complaint or proceedings under this Ordinance the water authority may be represented by an authorized officer.

Penalties
do not
prejudice
powers of
water
authority.

29. No fine or punishment imposed under this Ordinance or any regulation thereunder shall affect or prejudice the powers of the water authority under section 5 of this Ordinance.

Regulations.

Regulations
to be made
by Governor
in Council.

30. It shall be lawful for the Governor in Council to make regulations for the better carrying out of the provisions of this Ordinance in respect of all or any of the following matters:—

(1) the forms of all notices required to be given or sent under this Ordinance and the issuing and service thereof;

(2) the time and place for the payment of all moneys due under this Ordinance;

(3) the right of the water authority to fix the amount of and to demand deposits from consumers;

(4) the amounts of all or any fees;

(5) the price of water for all purposes;

(6) the grant and amounts of free allowances of water to approved hospitals, charitable institutions or other premises;

(7) the fixing of meters, the amount of meter rents and the ascertaining of the consumption at any premises;

(8) the notification of restriction or suspension of the water supply;

(9) the disconnexion of the water supply to a consumer;

(10) the licensing of plumbers to carry out the construction, alteration and repair of inside and fire services;

(11) the standards required for pipes and fittings to be used on inside and fire services;

(12) the conditions governing the construction, alteration and repair of inside services;

(13) the conditions governing the construction, alteration and repair of fire services;

(14) notification to consumers that an existing inside or fire service is defective or not up to standard;

- (15) the prevention of waste of water;
- (16) the keeping clean of inside services;
- (17) the method and manner in which water may be taken from public standpipes;
- (18) the right of the water authority to grant permission to use water from the waterworks for flushing water closets, latrines and urinals;
- (19) the right of the water authority to grant permission to use water from the waterworks for air conditioning plants and swimming pools;
- (20) the catching of fish in reservoirs;
- (21) the duties and government of the officers and servants of the water authority and the means of summarily enforcing the same by fines not exceeding in any case twenty-five dollars;
- (22) all such matters not hereinbefore specifically mentioned as may conduce to the better and more effective carrying out of this Ordinance.

31. The regulations in the Schedule shall be deemed to have been made under this Ordinance and shall be in force except so far as they may be altered, rescinded or amended by the Governor in Council.

Regulations in Schedule to be in force unless altered, etc., by Governor in Council.

32. The Waterworks Ordinance, 1903, and all regulations made thereunder are repealed.

Repeal of Ordinance No. 16 of 1903 and regulations thereunder.

33. This Ordinance shall come into force on the first day of January, 1939.

Commencement.

SCHEDULE.

[s. 31].

REGULATIONS.

1. THE FORM AND SERVICE OF NOTICES.

Notices required to be given or sent under the Ordinance and regulations to a person or persons shall be issued under the hand of the water authority or an authorized officer on his behalf and shall be served either by delivering the same by post to the person or persons to whom they are addressed or by leaving the same at the residence or place of business of such person or persons, or by leaving the same on the premises to which such notices relate.

All such notices shall be given on standard forms prepared by the water authority the nature of which is stated in Appendix II to these regulations.

General notices affecting all consumers shall be inserted in newspapers approved by the water authority.

The water authority shall have the right to alter at his discretion the wording of all forms the nature of which is stated in Appendix II or to introduce such new forms as he may consider necessary in conformity with the regulations.

2. THE TIME AND PLACE FOR THE PAYMENT OF MONEYS.

The water authority shall submit accounts for moneys and deposits due in the appropriate Forms A, B, C, D or E, the nature of which is stated in Appendix II.

The date by which payment must be made shall be stated on the form, and payment shall be made at the address given on the form.

If in any case the deposits or moneys due are not paid by the date stated on the form, a final notice shall be sent by the water authority on the appropriate form giving the final date by which payment shall be made.

Failure to make payment by such date may be dealt with under sections 5 and 17 of the Ordinance without notice to the person in default.

3. DEPOSITS.

The decision of the water authority as to the amount of deposit to be paid shall in every case be final.

In the case of work to be carried out by the water authority for a consumer the work will not be put in hand till payment of the deposit as requested on Form E has been made. The deposit will be refunded after payment by the consumer of the account for the work.

In the case of a deposit requested to cover the amounts due or to become due for meter rent and chargeable water for an existing inside service the service will be disconnected from the waterworks after service of Form J if payment of the deposit is not made within the time laid down on Form E.

In the case of a new inside service a connexion to the waterworks will not be given until payment of the deposit as required on Form E has been made.

Deposits against payment of the amount due or to become due for meter rent and chargeable water will be held until the inside service has been disconnected from the waterworks by the water authority at the request of the consumer and all amounts due for meter rent and chargeable water have been paid by the consumer.

4. FEES.

The amounts of all fees payable under the regulations shall be fixed from time to time and set forth in Appendix I. Notice to pay shall be given on Form D.

5. PRICE OF WATER.

The price of water for domestic, trade, construction and shipping supplies shall be fixed from time to time and set forth in Appendix I. Notice to pay shall be given on Form B.

6. FREE ALLOWANCES OF WATER.

Free allowances of water may be granted to approved hospitals and charitable institutions, or to other approved premises, and such allowances shall be as set out from time to time in Appendix III. A quarterly return for the previous quarter of the average number of inmates including staff and servants for each hospital or charitable institution which has been granted a free allowance of water shall be submitted to the water authority on Form N, at his request. The water authority shall state on Form N a date by which this return must be submitted, and, in the event of any return not being received by such date, the hospital or institution concerned may forfeit its right to a free allowance of water.

7. METERS, METER RENTS, CONSUMPTION AND WATER ACCOUNTS.

(a) Meters will be provided and maintained by the water authority, and all repairs, except those necessitated by wilful damage or negligence, will be made by the water authority free of cost to the consumer.

(b) The consumer shall be held solely responsible for the safe custody of the meter whilst it is fixed on the inside service supplying his premises with water, and he shall pay the cost of fixing and removing the meter.

(c) The water authority shall have the right to prescribe the size of meter or meters, and the number of meters which shall be fixed to any premises.

(d) The water authority may in his discretion change a meter at any time.

(e) Meter rents are shown in Appendix I and are payable annually in advance. Notice to pay will be given in Form C. When a meter is fixed after 1st January a proportionate rent for the period up to 31st December shall be payable in advance.

(f) In the event of the removal of a meter (otherwise than for the purpose of repair, alteration or testing) a refund equivalent to the rent for the unexpired portion of the year will be made, on production of a certificate by the water authority stating the date of removal of the meter.

(g) Meters will be read at such times as the water authority may direct. Whenever a meter is read a memorandum of the reading will be left at the premises supplied through it.

(h) For the purpose of determining the periodical consumption the first reading of the meter may be taken not more than 10 days before or after the first day of the period and the last reading of the meter may be taken not more than 10 days before or after the last day of the period. If the meter is removed or the supply terminated during the period, then the last reading shall be taken.

(i) The reading used as the last reading of any period shall be used as the first reading of the ensuing period.

(j) If the consumer doubts the accuracy of the meter which measures his water supply then the meter will, on receipt of Form I duly signed by the consumer, be tested by the water authority. The consumer, or any person appointed by him, may be present when the meter is tested. The results of the test shall be binding both on the water authority and on the consumer, and the quantity of water indicated by the meter from the first reading of the period shall be corrected according to the results of the test.

(k) If the meter is found to indicate correctly, or less than the correct amount, then a fee as laid down in Appendix I shall be paid by the consumer for testing the meter, plus the cost of removing and refixing the meter. If the meter be found to indicate more than the correct amount then no fee nor charges shall be paid by the consumer for removing, testing and refixing the meter.

(l) A meter shall be considered to be correct when its inaccuracy does not exceed three per cent.

(m) If a meter is found to be out of order, or if it is removed for repair or alteration, the fact will be noted on the memorandum mentioned in paragraph (g) of this regulation. On fixing a new meter or refixing the old meter, a second memorandum will be left at the premises. The consumption for the time that the meter was out of order or for the time that the service was without a meter will be calculated according to the average daily rate of consumption that obtained during the period between any two successive readings whilst the meter was in good order prior to the removal of the meter, or, at the discretion of the water authority, according to the average daily rate of consumption during the period between the two successive readings immediately succeeding the fixing of a new meter or the refixing of the old meter.

(n) Accounts for amounts due for chargeable water will be delivered on Form B, quarterly or at such other periods as the water authority may deem expedient.

(o) On receiving written notice from a consumer that he desires to have a supply terminated or his liability transferred the water authority shall send to him Form I for signature, and, on receipt of Form I duly signed, the inside service will be disconnected from the waterworks and the meter removed by the water authority at the cost of the consumer. The consumer shall pay all rates, charges and meter rent incurred until he has given notice to the water authority in writing of his wish to have the supply terminated or his liability transferred.

8. NOTIFICATION OF RESTRICTION OR SUSPENSION OF SUPPLY.

If in the opinion of the water authority it is necessary to restrict or suspend the supply—

under section 7 (a) of the Ordinance, notice will be given in newspapers approved by the water authority;

under section 7 (b) of the Ordinance, notice will be served by hand in Form L on the consumers affected;

under section 7 (c) (d) and (e), no notice will be given.

In all the above cases the water authority shall incur no liability for compensation to consumers or to any person whatsoever on account of restriction or suspension of the supply to any premises or to public standpipes.

9. DISCONNEXION OF THE SUPPLY TO A CONSUMER.

Under section 5 of the Ordinance disconnexion of the supply to any consumer may be effected by severing the inside service or by such other means as the water authority may deem necessary. Notice that the supply is to be disconnected shall be given on Form J.

After the conditions and regulations of the Ordinance have been complied with, a fee as laid down in Appendix I shall be paid by the consumer for the reconnexion of any supply so disconnected.

10. LICENSING OF PLUMBERS.

Every person, except the authorized officers of the water authority, who intends to carry out for a consumer any work in connexion with the construction, alteration or repair of inside services or fire services which are to deliver water supplied from the waterworks must first obtain a licence from the water authority on Form O.

Such licence will be granted only to persons (or to firms employing persons) who hold certificates from any of the following:—

The Royal Sanitary Institute,

The Institute of Plumbers,

The City and Guilds of London,

or to persons (or firms employing persons) who, in the opinion of the water authority, possess other suitable qualifications.

Such licence shall be for one year or part of one year in the first instance, and shall be renewable annually on the 1st of January at the discretion of the water authority, and subject to the payment in advance of the fees laid down in Appendix I. The water authority may revoke any licence at any time, without compensation to the holder, in the event of the holder acting in any way contrary to the provisions of these regulations.

11. STANDARDS.

(a) Pipes.

(1) Pipes of cast iron, wrought iron or other approved material as hereinafter specified may be used in any part of an inside service or fire service.

(2) Cast iron pipes shall comply with the requirements of the latest British standard specification for class C cast iron pipes.

(3) Wrought iron pipes shall be of water quality and galvanized, and shall comply with the requirements of the latest British standard specification for such pipes.

(4) **Copper pipes or pipes of other** material shall comply with the requirements of the latest British standard specification for such pipes.

(5) Lead pipes will not be permitted for the conveyance of water supplied from the waterworks.

(6) The water authority shall have the right at any time to weigh, measure or otherwise test any pipes being used for an inside service or fire service to ascertain if they are up to standard.

(b) Taps, ball cocks and stop cocks.

(1) All taps, ball cocks and stop cocks shall conform to the latest standards laid down by the British Waterworks Association.

(2) Iron taps, ball cocks and stop cocks shall not be used without written permission from the water authority.

(3) Samples of taps, ball cocks and stop cocks of approved type may be seen at the waterworks workshops.

(4) No tap, ball cock or stop cock shall be used until it has been approved and stamped by the water authority. The licensed plumber shall at his own cost deliver all such fittings to the waterworks workshops and remove them after they are stamped.

(5) A fee as specified in Appendix I shall be charged for each article stamped by the water authority.

(c) Cold water cisterns.

Cold water cisterns for the storage of water supplied from the waterworks shall be watertight and have close fitting covers which shall not be airtight. They shall be constructed of concrete, iron or other approved material. Where iron is used it shall be galvanized or otherwise protected against corrosion in a manner to be approved by the water authority. Every cistern shall have a ball cock with a stop cock behind it and an overflow pipe. The ball cock shall shut off the supply when the water level is 2 inches below the overflow pipe and the nose or outlet of the ball cock shall be above the surface of the water when the cistern is charged. The overflow pipe shall be laid to the outside of the building and shall terminate in a conspicuous position. No overflow pipe shall be connected to a drain, sewer, or to the overflow pipe from any other cistern. Cisterns shall be placed in such positions that they are easily accessible for cleaning. The water authority shall in all cases decide the maximum capacity of cistern permissible.

(d) Hot water apparatus.

(1) All hot water apparatus such as geysers, engines or other appliances in which water supplied from the waterworks is heated shall be fed from a cold water cistern and shall not be connected directly to the main. The supply pipe from the cold water cistern shall feed the hot water apparatus only.

(2) If the cold water for such apparatus is supplied from a cold water cistern which is used for other purposes no pipe other than the connexion to the hot water apparatus shall draw water from the lower half of such cistern.

(3) Hot water cylinders shall be constructed of galvanized iron or other approved material, tested to double the normal working pressure, and adequately supported. No tap or other means of drawing off water (other than a screwed plug with a removable key for emptying the system for cleansing or repairs) shall be connected to any part of the hot water system below the top of the hot water cylinder in such a way that the level of the water in the cylinder can be lowered. Every cylinder shall have an expansion pipe which shall be carried up and bent over the cold water cistern so that the open end of the pipe shall be above the surface of the water when the cistern is charged.

(e) Flushing apparatus.

(The following standards apply only in cases where permission has been granted under regulation 18 to use water supplied from the waterworks for flushing water closets, latrines and urinals.)

(1) Every water closet, latrine and urinal shall be provided with a flushing cistern made of cast iron or other suitable approved material.

(2) Flushing cisterns for water closets shall be capable of giving a flush of not less than 2 gallons nor more than 3 gallons of water.

(3) The tail pipe and flush pipe of flushing cisterns for water closets shall have an internal diameter of not less than one and one quarter inches.

(4) Every flushing cistern shall have an overflow which shall terminate in a conspicuous position.

(5) Every flushing cistern shall have a ball cock of such design as to allow the cistern to fill rapidly but shall shut off the supply when the water level reaches a level one inch below the overflow. The nose or outlet of the ball cock shall be above the surface of the water when the cistern is charged. A stop cock shall be fixed behind the ball cock.

(6) Every flushing cistern shall have an efficient waste-preventing device of the valveless type.

(7) The siphon (or dome and discharge pipe as the case may be) of every flushing cistern shall either be of corrosion-resisting material or be efficiently protected against corrosion.

(8) Every flushing cistern shall be so constructed that water cannot flow down the flush pipe except when a flush is being properly delivered, and so that it shall not discharge at one flush more than its nominal capacity.

(9) In the case of latrines or urinals the capacity of the flushing cistern shall be decided by the water authority.

(10) Flushing apparatus shall be operated by hand, except in cases where written permission from the water authority has been granted for the installation of automatic flushing. In such cases the amount and frequency of the flushes shall be decided by the water authority.

(11) Flushing cisterns shall in all cases be supplied from cold water cisterns and such cold water cisterns shall not be used to supply any other apparatus, appliances or fittings.

(12) Flushing apparatus without flushing cisterns shall not be used without the written permission of the water authority.

(f) Baths, lavatory basins and sinks.

(1) Every inlet to a bath, lavatory basin or sink shall be distinct from, and unconnected with, the outlet thereof, and any outlet for emptying a bath, lavatory basin or sink shall be provided with a visible and well fitting watertight plug or other easily accessible and equally suitable outlet.

(2) The level of the nose or outlet of the cold water inlet to a bath, lavatory basin or sink shall be above the level of the overflow pipe, or if there be no overflow pipe, above the rim of the bath, lavatory basin or sink.

(g) Apparatus for combating fire.

All apparatus, appliances and fittings to be used in a fire service shall be of a type to be approved by the Chief Officer of the Fire Brigade and shall also comply with the standards required by these regulations in so far as they apply.

12. CONSTRUCTION, ALTERATION AND REPAIR OF INSIDE SERVICES.

(a) Any consumer may arrange to construct, alter or repair at his own cost an inside service for the supply of water from the waterworks to any premises and such work except for the portions on Crown land shall be carried out only by licensed plumbers in accordance with the regulations and subject to the approval of the water authority.

(b) The construction, alteration and repair of the portions of an inside service on Crown land shall be carried out by the water authority at the cost of the consumer.

The water authority will not undertake the construction of new inside services or the alteration of existing inside services except for the portions on Crown land, but may at his discretion undertake to repair an inside service at the cost of a consumer.

(c) When a licensed plumber has been instructed to carry out the construction, alteration or repairs to an inside service he shall submit his proposals to the water authority on Form G, which will be retained by the water authority. Plans and a complete specification of the works may be required by the water authority whenever in his opinion, having regard to the magnitude of the works, it is desirable to do so.

(d) In the case of a new inside service the licensed plumber before submitting Form G shall ascertain from the water authority the point at which a connexion from the waterworks to the premises will be given.

(e) As soon as possible after receipt of Form G the water authority shall inform the licensed plumber on Form H if the proposals are approved. If they are not approved Form G will be returned to the licensed plumber with the reasons for approval being withheld. The licensed plumber shall notify the water authority in writing when he proposes to commence work which has been approved, giving at least three days' clear notice.

(f) Where urgent repair work has to be carried out the licensed plumber may proceed at once without submitting Form G. He shall, however, notify the water authority in writing as soon as possible giving details of the work being carried out. When repair work involves only the provision of new washers for taps neither Form G nor notification of work being carried out is required.

(g) The water authority's decision as to the size and position of the inside service pipes and fittings, the number of fittings and the position of the meter shall be final.

(h) No pipes and fittings forming the inside service shall be covered up until they have been inspected and approved by the water authority.

(i) When the work is completed to the boundary of the premises application shall be made to the water authority on Form I for a connexion to the waterworks. A final inspection will then be made by the water authority and if the inside service is in order the portion on Crown land and the connexion to the main will be laid and the meter fixed by the water authority at the cost of the consumer: Provided always that the consumer has signed the undertaking on Form F to pay quarterly the amount due for chargeable water and annually in advance the amount due for meter rent.

(j) The stop cock or sluice valve on the connexion to the main shall be fixed as close to the main as possible. The connexion to the main shall be maintained by the water authority and the inside service shall be maintained by the consumer.

(k) All pipes and fittings shall conform to the standards laid down in the regulations, and any materials found on the work which do not conform to these standards shall be removed forthwith by the licensed plumber on the request of the water authority. If the licensed plumber desires to use any fittings for which no standards are laid down in the regulations such fittings shall first be approved by the water authority.

(l) All labour and materials supplied by the water authority at the request of a consumer on Form I shall be charged for at actual cost plus such supervision charge as may be fixed from time to time and set forth in Appendix I. The water authority shall, after the completion of the work, present an account for the cost of the work to the consumer on Form A.

(m) The water authority will not be responsible for any damage to and will not undertake to restore any ornamental floors, walls or decorations which may be disturbed in carrying out work on an inside service.

(n) The water authority notwithstanding that his requirements have been complied with as regards inside services does not hold himself liable for any damage that may arise in premises by bursting or overflowing, nor will the water authority by any permission or act extend his responsibility beyond the connexion to the main.

(o) No inside service constructed for the reception or conveyance of water supplied from the waterworks shall be used for the reception or conveyance of any other water than that supplied from the waterworks nor connected in any way to a service used to convey water not supplied from the waterworks.

(p) The water authority shall have the right to refuse to connect to the waterworks any new inside service or to disconnect from the waterworks any existing inside service which does not conform in any way to the requirements of the regulations. Notice that an existing inside service is to be so disconnected from the waterworks will be given on Form J.

13. CONSTRUCTION, ALTERATION AND REPAIR OF FIRE SERVICES.

(a) Permission to construct a fire service in premises may be granted by the water authority when in the opinion of the Chief Officer of the Fire Brigade such a service is necessary or expedient to enable water to be drawn from the waterworks for the purpose of combating fire in such premises.

(b) Such permission shall be subject to the conditions laid down in these regulations and in Form M.

(c) The annual fee payable in advance for the retention of a fire service shall be as stated in Appendix 1. A proportionate fee shall be paid in advance in respect of any fire service connected during a year and a proportionate refund will be allowed, on request, in respect of any fire service disconnected during a year.

(d) The cost of the fire service including the connexion to the main shall be borne by the permittee who shall be entirely responsible for the maintenance of the fire service.

(e) The water authority shall not be responsible for damage or loss caused by diminution or failure of the supply due to water restriction or to any other cause.

(f) The construction, alteration and repair of fire services shall be carried out only by licensed plumbers except for the portions on Crown land where the work shall be carried out by the water authority.

(g) When a licensed plumber has been instructed to construct a fire service he shall first ascertain from the office of the water authority whether a connexion to the waterworks can be given, and if so, the point at which such connexion will be given.

(h) When a licensed plumber has been instructed to construct, alter or repair a fire service he shall prepare a plan of the proposed work and submit it to the Chief Officer of the Fire Brigade together with Form G. If the Chief Officer of the Fire Brigade approves the proposals he will indorse Form G and the plan accordingly and pass them to the water authority.

(i) If in the opinion of the water authority there is no objection to the proposals he shall notify the licensed plumber on Form H that the work is approved and in the case of a new or altered fire service shall send to him Form M for signature by the permittee. Form G and the plan will be retained by the water authority.

If in the opinion of either the water authority or Chief Officer of the Fire Brigade there is an objection to the proposals, Form G and the plan will be returned to the licensed plumber for amendment with the reason for approval being withheld.

(j) When a new or altered fire service which has been approved on Form H is completed to the boundary of the premises the licensed plumber shall submit to the water authority Form I duly signed. An inspection shall then be made by the water authority and, if the service is in order, the laying of the connexion to the main and the portion of the service on Crown land will be carried out by the water authority at the cost of the permittee.

(k) Paragraphs (j) to (p) under regulation 12 shall apply equally to the construction, alteration and repair of fire services.

14. INSIDE SERVICES WHICH ARE DEFECTIVE OR NOT UP TO STANDARD.

In the event of any defect or of any pipes or fittings which are not up to standard being discovered on the inside services of any premises the water authority shall serve notice upon the consumer in Form K.

If the consumer fails to have the defect remedied or the pipes or fittings replaced within three days or such extended time as the water authority shall consider necessary, the inside service will be disconnected from the waterworks under section 5 of the Ordinance after service of Form J.

15. PREVENTION OF WASTE.

Every consumer shall take all possible precautions to prevent waste and misuse of water and shall be held entirely responsible for the proper maintenance of the inside service supplying his premises. If any consumer is found to be wasting water or permitting water to be wasted, notice will be served on him by the water authority on Form J that the inside service will be disconnected from the waterworks under section 5 of the Ordinance. The consumer shall in addition be liable to the penalties laid down in section 20 of the Ordinance.

16. KEEPING INSIDE SERVICES CLEAN.

The responsibility for keeping clean an inside service including all fittings shall rest entirely with the consumer.

If any part of an inside service is discovered to be dirty and in the opinion of the water authority a possible source of pollution of the water in the mains it shall be considered defective and notice will be served on the consumer accordingly in Form K and, if the inside service be not cleaned within three days of the date of such notice or such extended time as the water authority shall consider necessary, the inside service shall be disconnected from the waterworks by the water authority under section 5 of the Ordinance after service of Form J.

17. DRAWING WATER FROM PUBLIC STANDPIPES.

Water shall be taken from public standpipes only in buckets or other suitable receptacles, and in such a manner as to prevent waste.

No hose-pipe, pipe, tube, chute or other contrivance of any nature whatever shall be attached either temporarily or permanently to any public standpipe.

No automatic self-closing valve or other automatic appliance attached to or forming part of any public standpipe shall be interfered with so as to prevent either temporarily or permanently its automatic action.

Water from public standpipes is intended for domestic purposes only and water to be used for trade purposes shall not be taken from a public standpipe.

18. USE OF WATER FROM THE WATERWORKS FOR FLUSHING.

Water from the waterworks shall not be used for flushing water closets, latrines and urinals without the written consent of the water authority.

Fees as laid down in Appendix I shall be payable annually in advance for permission to retain the use of main water for flushing water closets, latrines and urinals.

19. USE OF WATER FROM THE WATERWORKS FOR AIR CONDITIONING PLANTS AND SWIMMING POOLS.

Water from the waterworks shall not be used for air conditioning plants and swimming pools without the written consent of the water authority.

The water authority shall have the right to stipulate the conditions under which such consent may be given.

20. CATCHING FISH IN THE RESERVOIRS.

The use of nets or other appliances, including rods and lines, and the use of dynamite or other explosive substance or any poisonous, stupefying or noxious substance to catch or destroy fish in the reservoirs is strictly prohibited: Provided always that permission to fish with rod and line may be granted by licence by the water authority on Form P; such licence must be produced when demanded by any police officer or constable or by any officer or servant of the water authority.

No fishing will be permitted between 1st April and 31st August.

A seasonal fee as set out in Appendix I shall be paid in advance before such permit will be granted.

Appendix I.

PRICE OF WATER.

(Regulation 5).

The price of water per unit of 1,000 gallons shall be—

(1) for filtered water	<i>per unit.</i>
(a) for trade, construction or shipping purposes	\$1.00
(b) for domestic use, supplied—	
(i) to any premises or place in the Peak District as defined in the Peak District (Residence) Ordinance, 1918,45
(ii) to any premises or place in the Island of Hong Kong, except the Peak District, to which the water is pumped35
(iii) from the Royal Hong Kong Golf Club supply, Fanling25
(iv) to such military areas as the Governor in Council may determine10
(c) except as set out in paragraphs (a) and (b)25
(2) for unfiltered water	
(a) for construction purposes	1.00
(b) for all other purposes20

Provided that the above rates shall be increased by 5 per cent. in all cases in which payment is not made within 30 days of the date notified by the water authority in his account as the date by which payment is required to be made.

METER RENTS.

(Regulation 7).

Until further notice meter rents shall be:—

$\frac{1}{2}$ " meter and under	\$10 per annum, payable in advance.
$\frac{3}{4}$ " meter	15 " " " "
1" "	20 " " " "
1 $\frac{1}{2}$ " "	25 " " " "
2" "	35 " " " "
3" "	50 " " " "
4" "	75 " " " "
6" "	100 " " " "

FEEES.

(Regulation 4).

Until further notice fees payable under the regulations shall be:—

FEEES IN CONNEXION WITH WATER SERVICE.

Under regulation 7:	Testing a meter	\$10.00
„ „ 9:	Reconnecting an inside service.....	2.00
„ „ 11:	Stamping fittings (each)	0.25
„ „ 13:	Fire service retention (annually in advance)	
	2"	35.00
	3"	50.00
	4"	75.00
	6"	110.00
„ „ 13:	Resealing fire service valve	1.00
„ „ 18:	Use of main water for flushing water closets, latrines or urinals (annually in advance)—	The same amount as the meter rent at the premises.

LICENCE FEES.

„ „ 10:	Plumber's registration and licence.....	\$10.00
„ „ 10:	Renewal of plumber's licence (annually in advance)	5.00
„ „ 20:	Fishing licence (per season in advance)	10.00

SUPERVISION CHARGE.

(Regulation 12 (l)).

Until further notice the charge for supervision on work carried out by the water authority for a consumer shall be 33 $\frac{1}{3}$ % on the actual cost of all labour and materials.

Appendix II.

FORMS.

(Regulation 1).

Standard forms of notices, accounts, etc., to be:—

Regulation	Form.	Nature of form.
7-12-13	A	House service account.
7	B	Water account.
7	C	Meter rent account.
4	D	Fee account.
3	E	Demand notice for deposit.
12	F	Undertaking.
12-13	G	Notice by licensed plumber of intention to construct, alter or repair an inside or fire service.
12-13	H	Notice by water authority of approval of proposals for constructing, altering or repairing an inside or fire service.
7-12-13	I	Requisition for work to be carried out by the water authority for a consumer.
9	J	Notice by water authority that an inside service is to be disconnected from the waterworks.
14	K	Notice by water authority that an inside service is defective or not up to standard.
8	L	Notice that the supply to certain consumers is to be suspended to allow alterations, etc., to be carried out to the waterworks by the water authority.
13	M	Conditions for a fire service installation.
6	N	Return from hospitals, etc.
10	O	Plumber's licence.
20	P	Fishing licence.

Appendix III.

FREE ALLOWANCES OF WATER.

(Regulation 6).

Until further notice the amounts of free allowances of water shall be—

- in the case of approved hospitals—20 gallons per inmate per day;
- in the case of approved charitable institutions—15 gallons per inmate per day;
- in the case of approved Chinese public dispensaries—24,000 gallons per annum each;
- in the case of the Royal Hong Kong Golf Club (Fanling supply only)—6,000 gallons per day.

Objects and Reasons.

1. The object of this Bill is to repeal the Waterworks Ordinance, 1903, and the regulations made thereunder and to replace them by an Ordinance and Regulations in accordance with modern requirements.

2. A Table of Correspondence is attached as a guide to the source of the provisions of the various clauses which are not entirely new.

3. The Bill is drafted on the assumption that there is to be in future no general free allowance of water based on rateable valuation but that free allowances may be permitted in the case of hospitals and other approved institutions (see Appendix III).

4. Provision has been made for the following new features:—

(a) power to demand deposits to cover payments for chargeable water (clause 9 and reg. 3);

(b) the licensing of approved plumbers (reg. 10);

(c) the stamping of approved fittings (reg. 11);

(d) charging fees for the privilege of using main water for flushing (reg. 18);

(e) separate floor metering (reg. 7 (c));

(f) the representation of the water authority by authorized officers (clauses 2 (b) and 28 and reg. 1).

5. The demanding of deposits to cover water charges, etc., is in conformity with modern waterworks practice and has been found necessary in Hong Kong.

6. The licensing of plumbers and stamping of approved fittings are also in accordance with modern waterworks practice.

7. The charging of a fixed fee for the flushing privilege, when exercised, is considered a fairer method than increasing the cost of water used in the premises concerned. A fee equivalent to the meter rental is proposed so that for an average residence the flushing fee would be \$10 per annum in addition to payment at the ordinary rate for all water consumed.

8. In order to enable separate floor meters to be installed in tenement houses the water authority is given special powers (reg. 7 (c)).

J. A. FRASER,
Attorney General.

August, 1938.

TABLE OF CORRESPONDENCE

Showing the source of the various provisions of the Waterworks Bill, 1938.

Clause of Bill.	Source: Ordinance No. 16 of 1903.	Remarks.
1	s. 1	Short title.
2 (a)	s. 2 (1)	Revised. Appointment made by Governor, not Governor in Council. See Article XIV of Letters Patent. Reference to body corporate omitted. Reference to executive engineer in charge added.
(b)	new	—
(c)	s. 2 (m)	Gathering grounds, meters, hydrants, and prime-movers added; steam engines omitted.
(d)	s. 2 (b)	—
(e)	new	—
(f)	new	—
(g)	new	—
(h)	new	—
(i)	new	—
(j)	new	—
(k)	new	—
(l)	new	—
(m)	new	—
(n)	new	—
(o)	new	—
(p)	new	—
(q)	2 (g)	Redrafted.
(r)	2 (d)	Redrafted.
(s)	new	—
(t)	new	—
(u)	new	—
3	3	—
4	4	—
5	new	Paragraph (a) founded mainly on section 5 of No. 16 of 1903.
6	7	Redrafted.
7	8	Redrafted.
8	10	Redrafted.
9	new	—
10	12	Redrafted.

Table of Correspondence,—Continued.

Clause of Bill.	Source: Ordinance No. 16 of 1903.	Remarks.
11	13	Redrafted.
12	14	Redrafted.
13	15	Redrafted.
14	16	Redrafted.
15	19	"mapped" for "marked outmanner," "water authority" for "Director of Public Works," "Governor" for "Governor in Council"—see Article XIII of Letters Patent.
16	20	"marked out defined and" omitted. Last part altered so as to provide for compensation under Ordinance No. 10 of 1900 in all cases of resumption.
17	21	—
18	22	—
19	17	Redrafted.
20	25	Redrafted.
21	—	Based on G.N. 207 of 1929.
22	24 & 25	Redrafted.
23	26	Redrafted.
24	new	—
25	new	—
26	28	Redrafted.
27	30	Redrafted.
28	new	—
29	new	—
30	23	Redrafted.
31	new	—
32	new	—
33	new	—
Schedule	new	The existing regulations have been entirely recast, revised and redrafted.

[No. 16 :—24.8.38.—1.]

A BILL

INTITLED

An Ordinance to amend the New Territories Regulation Ordinance, 1910.

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

Short title.

1. This Ordinance may be cited as the New Territories Regulation Amendment Ordinance, 1938.

Substitution
of new
section
6A (1) in
Ordinance
No. 34 of
1910.

2. Sub-section (1) of section 6A of the New Territories Regulation Ordinance, 1910, is repealed and the following sub-section substituted therefor :—

Ordinances
Nos. 15 &
18 of 1935.

6A.—(1) It shall be lawful for the Governor in Council to make rules, to take effect within the New Territories except New Kowloon for the prevention and abatement of nuisances and the making of orders by magistrates in connexion therewith and also for any matter with regard to which the Urban Council may for the time being have power to make by-laws under the Public Health (Sanitation) Ordinance, 1935, and the Buildings Ordinance, 1935, to take effect elsewhere within the Colony.

Objects and Reasons.

1. Clause 2 of this Bill substitutes a new sub-section (1) in section 6A of the principal Ordinance empowering the Governor in Council to make rules for the prevention and abatement of nuisances and the making of magistrates' orders in connexion therewith, and making certain other verbal amendments consequent on the repeal of the Public Health and Buildings Ordinance, 1903, and the replacement of that Ordinance by new legislation.

2. For some years the Government has endeavoured by the giving of lectures, the circulation of notices and the appointment of a Health Officer in an advisory capacity, to educate the villagers in the New Territories in the principles of sanitation. Other measures have been taken, such as the provision of facilities for scavenging in semi-urban districts, the provision of public latrines, and the assistance of villagers from public funds in the carrying out of small works of improvement to secure more sanitary conditions in certain areas. These measures are in addition to the major works undertaken by the Public Works Department.

3. It is now considered desirable to supplement these measures by the appointment of an additional staff of Chinese Sanitary Inspectors and to lay down rules for the prevention of nuisances.

4. Powers of entry and inspection are being given to Health Officers and Sanitary Inspectors by the application of sections 8 and 19 of the Public Health (Sanitation) Ordinance, 1935, to the New Territories, by Order of the Governor in Council under section 99 of that Ordinance.

5. The object of this Bill is to enable the Governor in Council to lay down simple general rules for the prevention and abatement of nuisances, it being considered impracticable at present to apply in rural districts the same laws and regulations as apply to the urban areas of Hong Kong, Kowloon and New Kowloon.

6. It is proposed in these rules to deal with nuisances which may be the subject of summary prosecution in England under the Public Health Acts. On finding any such nuisance, the inspector would request its abatement and, if it were not abated, apply to a magistrate to make an order. The owner or tenant of the premises on which the nuisance is found to exist would then have an opportunity of contesting the making of the order; and breach of an order, if made, would be dealt with under the ordinary law relating to summary proceedings before magistrates.

J. A. FRASER,
Attorney General.

August, 1938.