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Hongkong Government

GAZETTE.

NEW SERIES. VICTORIA, SATURDAY, 29TH MARCH, 1856. Vol. I. No. 39.

GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a New Series of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that

"THE HONGKONG GOVERNMENT GAZETTE"

will, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order, W. T. MERCER, Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

GOVERNMENT NOTIFICATION.

His Excellency The Governor is pleased to direct the publication, for general information, of the subjoined Draft Ordinance, which was this day laid before the Legislative Council.

By Order,

L. D'ALMADA E CASTRO,
Clerk of Councils.

Council Room, Victoria, Hongkong, 26th March, 1856.

Draft Ordinance—Buildings.

HONGKONG.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. of 1856.

By His Excellency SIR JOHN BOWRING, Knight, LL.D., Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same, Her Majesty's Plenipotentiary and Chief Superintendent of the Trade of British Subjects in China, with the Advice of the Legislative Council of Hongkong.

An Ordinance for Buildings and Nuisances.

Whereas further Provision hath been found necessary to be made for the better Regulation of Buildings and prevention of Nuisances: Be it therefore Enacted and Ordained by His Excellency the Governor of Hongkong with the advice of the Legislative Council thereof in manner following, that is to say:—

I. The following words and expressions in this Ordinance contained shall be construed in manner hereinafter appearing; that is to say:—

The word 'Wall' shall extend to and include every external Wall and party Wall.

The word 'Floor' shall extend to and include every Horizontal Platform forming the base of any Story, and every Joist, Board, Timber, Stone, and Brick, or other substance constituting the said Platform.

The word 'Story' shall extend to and include the full thickness of every Floor, and the space between the under surface thereof and the upper surface of the Floor or (if there be no such Floor) the Ground next below the said firstmentioned Floor.

The word 'Works' shall extend to and include the constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any Building, Wall, Chimney, Stack, or Flue, Drain, Sewer, Cesspool or any work whatsoever.

The word 'Building' shall extend to and include every House, Outhouse or Shed.

The word 'House' shall extend to and include every Dwelling House, Warehouse, Shop, Manufactory, Workroom, Distillery, and place of secure storage or custody.

The expression 'guilty of a Nuisance' shall apply to and denote any person guilty of committing or continuing any Nuisance whatsoever, and any person guilty of permitting or suffering any Nuisance whatsoever, and any person guilty of omitting to take all proper and reasonable means for procuring the abatement of a Nuisance committed and continuing within his tenement, or upon or over some way or public place in the immediate neighborhood of his tenement, within the space of twelve hours after the said Nuisance shall have been committed.

Title.
Preamble.
Definitions.
Wall.
Floor.
Story.
Works.
Building.
House.
Guilty of a Nuisance.

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Rules to be observed as to works.

1. Walls of Houses.
2. Brick Walls of Houses.
3. Stone Walls of Houses.
4. Foundations of Walls of Houses.
5. Floors in general.
6. Floors of outside Houses.

Days' Notice to be given before commencing or (in the case of works suspended for above 3 months) resuming works.

Penalty for every default. Except in case of inevitable necessity. In which case notice to be given within Two Days after commencing or resuming the works.

Works to be liable in certain cases to be abated as a Nuisance.

Contracts to be made or executed to the contrary of this Ordinance.

Double Police Rates to be paid for Buildings illegally constructed, &c., until abatement.

Saving of Crown remedies.

Every House to have a Cooking Place and Privy.

Penalty.

The Surveyor General shall require the owner or occupier of any House to make good all deficiencies in works of that kind and cause them to be made good.

Public and common privies, sewage places etc., may be provided.

Works contravening this Ordinance to be deemed a Nuisance.

Ruinous Buildings to be deemed Nuisances.

Buildings erected of inflammable Materials to be deemed Nuisances.

II. All works henceforward shall be under the survey and inspection of the Surveyor General, and shall be commenced, resumed, prosecuted and completed with due observance of this Ordinance and particularly of the Rules next following, that is to say:—

1. The Walls of all Houses shall be built of Bricks or Stones.
2. The Brick walls of Houses shall be of the thickness of not less than one Brick at the upper Story, one Brick and a half at the Story immediately below the upper Story, and two Bricks at the Story (if any) immediately below the said two Stories.
3. The Stone walls of Houses shall be of the thickness of not less than Ten inches at the upper Story, one foot two inches at the Story next immediately below the upper Story, and one foot and a half at the Story (if any) next immediately below the said Two Stories.
4. The Foundations of every wall of a House shall be of the depth of not less than twice the thickness of the Wall at the lowest Story of the said Building; and the lowest course of every such Foundation shall be of not less than twice the Thickness of the wall at the said lowest Story; and the height and thickness of the upper courses of such Foundation shall diminish gradually towards the upper surface thereof.
5. The Floors of any one House shall not approach nearer than one Brick's length towards the Floors of any other House separated by a party Wall from the House first mentioned; And the space intervening between the said two Floors shall be properly and substantially built up with Bricks or Stones as the case may be.
6. In the case of two or more Houses separated from each other, or others by one or more party Walls the external ends of the Floors of the first and last of the said Houses shall be carried to and terminate at the Space of not less than nine inches from the Outside of the external Walls of the said first and last Houses respectively.

III. It shall not be lawful for any person to commence or (in the case of any works—the progress whereof shall have been for a period exceeding three months suspended) to resume any works until days written notice of the intention to commence or resume the same shall have been given unto the Surveyor General at his Office by the person by or for whom such works are intended to be commenced, and every such notice shall specify the material particulars of the said intended Works, and any person commencing or resuming any works without having first given such notice as aforesaid to the Surveyor General or before the expiration of days from the giving thereof, shall for every such default forfeit and pay to Her Majesty a sum not exceeding Dollars nor less than Dollars; except where any inevitable accident or emergency shall have occurred to make it necessary to commence or resume any works immediately, in which case only it shall be lawful to commence or resume the same, yet so as that written notice thereof and of the material particulars of such works shall within Two Days after commencing or resuming the same be given by the person by or for whom the same were so commenced or resumed unto the said Surveyor General at his Office aforesaid.

IV. In cases where any penalty shall have been incurred under the provisions of the Section next immediately preceding, or where the Surveyor General shall be refused admittance to any tenement for the purpose of surveying or inspecting any works thereon or therein commenced, resumed, or in progress, the said works shall be liable to be abated as a Nuisance.

V. All contracts hereafter to be made for works contrary to the provisions of this Ordinance shall be null and void, and it shall not be lawful to execute in contravention of the said Provisions any contracts heretofore made for works and in force at the passing of this Ordinance.

VI. Over and above all other penalties and liabilities by this Ordinance imposed, the owner of every Building constructed, reconstructed, or altered in contravention of this Ordinance shall pay in respect of the same a periodical Police-Rate of double the amount to which, but for such contravention he would have been liable in respect of the said Building, yet so as that if the same shall be abated, diminished, or removed under the provisions of this Ordinance, the said owner shall cease to be liable to pay any such Police Rate in respect thereof.

VII. No remedies for breaches of contract committed by Crown lessees or others now vested in the Crown or its officers shall be prejudiced by this Ordinance.

VIII. It shall not be lawful to construct, reconstruct, or (if now in the course of construction or reconstruction) to complete any House without a sufficient and safe Place for lighting of fires and cooking of Food; and also a sufficient Watercloset or Privy, and a sufficient Ashpit furnished with proper Doors and Coverings; All which shall be provided to the satisfaction of the Surveyor General, and every Person offending against any of the enactments in this Section contained shall for every such offence forfeit and pay to the Crown a penalty not exceeding 100 Dollars nor less than 50 Dollars.

IX. The Surveyor General shall in case any House whether now existing or hereafter to be constructed or reconstructed shall not be provided or shall be imperfectly provided with any of the works in the last immediately preceding section specified, give written notice of every such deficiency to the owner or occupier of the said House, thereby requiring him or her to provide for and make good the said deficiency forthwith or within some specified and reasonable term to the satisfaction of the Surveyor General: and in case the said owner or occupier shall not obey or comply with the said requirement, the said Surveyor General shall cause the said works to be executed, and may recover the charges and expenses thereof together with his costs of procedure by summary application to any two Justices, who shall, in case of default in payment thereof, levy the amount so recovered by warrant of distress and sale upon the goods and chattels of such owner or occupier.

X. The Surveyor General may provide and maintain in proper and suitable situations common waterclosets, privies, urinals, and other like conveniences for public accommodation; And also proper Buildings, Pits, Places, Boxes or other conveniences for the temporary reception and collection of Sewage, Dung, Soil, Filth, Dust, Ashes and Rubbish, yet so as not to occasion Annoyance or Nuisance, and all such matters so received or collected therein shall be vested in and may be disposed of at the discretion of and by the Surveyor General; And all the proceeds (if any) of such as shall in any wise be so disposed of shall be applied in aid of the Funds to be provided for carrying into effect this Ordinance.

XI. Every work whatsoever hereafter to be commenced resumed prosecuted or finished in contravention of this Ordinance shall be deemed a Nuisance.

XII. Every Building, or Part of a Building being in a ruinous or dangerous condition shall be deemed a Nuisance.

XIII. Every Building erected or to be hereafter erected of any inflammable material, in such wise as to endanger any neighbouring Building, shall be deemed a Nuisance.

- XIV. Every deposit or Accumulation of decaying, noisome, noxious, or offensive matter, in, on, or under any tenement, Crown Land, or way, or any Water, or any Drain or Sewer whereby the health of the Queen's subjects may be endangered shall be deemed to be a Nuisance. Deposits or accumulations of decaying matter &c., to be deemed Nuisances.
- XV. Every projection from or over any Building which shall cause annoyance or obstruction to any way or to the Passengers thereon, and every encroachment on, over, or under any way or any Crown Land shall be deemed a Nuisance. Projections from Buildings to be deemed Nuisances.
- XVI. Every Work which would be deemed a Nuisance in England if begun, conducted, or completed here, shall within this Colony be deemed a Nuisance. Nuisances by the Law of England shall be deemed Nuisances here.
- XVII. The Surveyor General shall summon every person guilty of any of the Nuisances hereinbefore enumerated before any two Justices of the Peace who shall thereupon proceed in a summary way to enquire into and adjudicate upon the premises after the manner of othersum mary proceedings before Justices of the Peace; And where they shall adjudicate any one person to have been guilty of any of the said Nuisances they shall upon the application of the Surveyor General, order him or any other proper officer to abate, demolish, or remove the said Nuisance, and to sell and dispose of the Materials thereof (if any) and out of the monies arising by such sale or disposition (if any) to retain or pay the charges and expenses of or incident to such abatement, in demolition or removal; And the said Justices shall order and compel all Persons whom they shall find guilty of any such Nuisance, after such adjudication as aforesaid, to satisfy all charges and expenses of or incident to the abatement, demolition, or removal thereof and for which no other or no sufficient satisfaction is hereby provided, and the said Justices shall thereupon by warrant under their Hands and Seals cause the same to be levied by distress and sale of the goods and chattels of the said persons respectively in case of default in payment. Summary proceedings in cases of Nuisance.
- XVIII. The Surveyor General and his Officers are authorised to seize any Utensil, which he or they shall detect any person in the act of dipping into any public Tank, or reservoir; and all Utensils so seized may be lawfully confiscated by the Surveyor General, and disposed of as he shall direct. Tanks and Reservoirs.
- XIX. All existing remedies for the prevention or abatement of Nuisances and the punishment of those guilty thereof shall continue to be in force notwithstanding this Ordinance. Saving of existing remedies.

Diplomatic Department.

GOVERNMENT NOTIFICATION.

His Excellency Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in China, &c., &c., is pleased to direct that the annexed Returns of the BRITISH TRADE at the PORT OF AMOY, during the Year 1855, be published for general information.

By Order,

G. W. CAINE,
In the absence of the Secretary to
H. B. M.'s Plenipotentiary.

Superintendency of Trade, Victoria, Hongkong, 17th March, 1856.

No. I.—A RETURN of the NUMBER and TONNAGE of MERCHANT VESSELS which Arrived at, and Departed from, the PORT OF AMOY, during the Year ending 31st December, 1855, distinguishing the Countries to which they belong.

ARRIVED.			DEPARTED.		
UNDER WHAT COLOURS.	No. of SHIPS.	TONNAGE.	UNDER WHAT COLOURS.	No. of SHIPS.	TONNAGE.
British,	107	31,842	British,	106	30,071
French,	3	1,126	French,	3	1,126
Spanish,	22	5,943	Spanish,	22	5,994
American,	23	16,365	American,	24	17,004
Dutch,	49	15,916	Dutch,	40	15,212
Portuguese,	3	782	Portuguese,	4	987
Peruvian,	2	530	Peruvian,	4	1,670
Hamburg,	8	2,339	Hamburg,	8	2,039
Siamese,	12	4,670	Siamese,	10	3,920
Portuguese Lorchas,	90	8,100	Portuguese Lorchas,	91	8,190
	312	87,613		312	86,213

J. BACKHOUSE,
Vice Consul in Charge.

British Consulate, Amoy, 31st December, 1855.

No. II.—A STATEMENT exhibiting the MOVEMENT OF BRITISH SHIPPING, in the Trade with the PORT OF AMOY, during the Year 1855; and shewing the Number and Tonnage of British Vessels in Harbor on the 31st December, 1855.

PLACES AND PORTS.	ARRIVED.		DEPARTED.		SUMMARY.
	No.	TONNAGE.	No.	TONNAGE.	
Hongkong,	56	18,098	35	7,852	Entered. 107 Vessels 31,842 Tons. Cleared, 106 Vessels 30,071 Tons, Of which number entered in Ballast. 28 Vessels 9,174 Tons. Cleared in Ballast. 20 Vessels 5,672 Tons. In Harbor on 31st December, 1855. 7 Vessels 3,355 Tons.
Straits,	15	4,566	19	5,991	
Shanghai,	10	3,380	13	5,194	
Ningpo,	8	2,235	9	1,649	
Foochow,	5	627	8	2,219	
East Coast,	8	381	13	3,655	
Whampoa,	7	1,950	5	1,437	
Macao,	1	308	...	...
Siam,	1	157	1	157	
Formosa,	1	140	1	140	
Lombok, ... ..	...	...	1	494
Callao, ... ..	...	...	1	1,283
Total,	107	31,842	106	30,071	

J. BACKHOUSE,
Vice Consul in Charge.

British Consulate, Amoy, 31st December, 1855.